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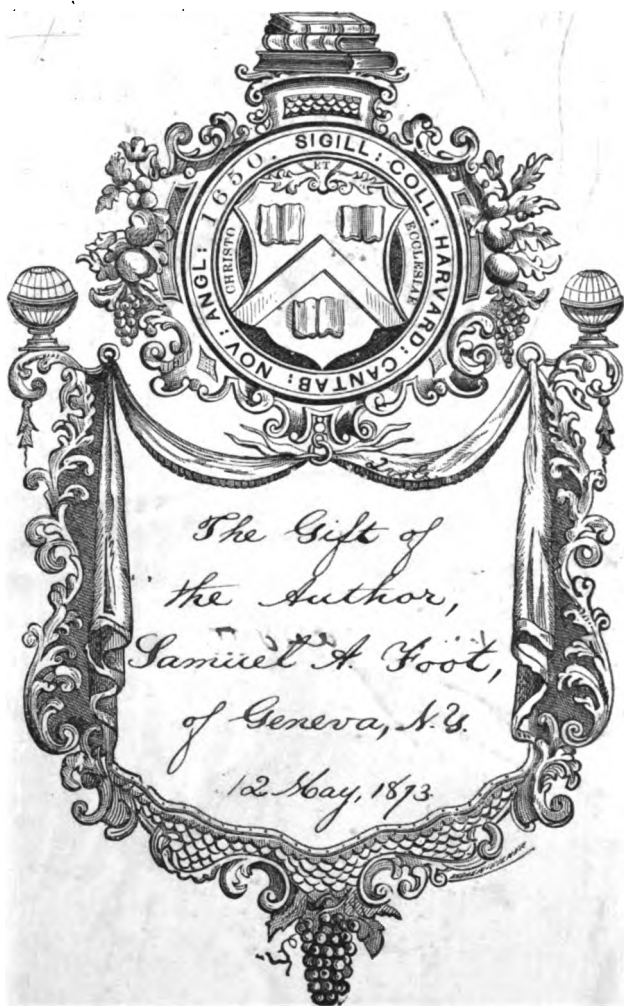
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*Autobiography: Collateral  
Reminiscences, Arguments ...*

Samuel Alfred Foot

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To

The Library of Harvard College

with the respects of

Saml. A. Foot

Geneva<sup>ny</sup> April 1873.













Affectionately Yours  
Sam<sup>l</sup>. a. Foot

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# AUTOBIOGRAPHY:

*COLLATERAL REMINISCENCES, ARGUMENTS IN  
IMPORTANT CAUSES, SPEECHES, ADDRESSES,  
LECTURES, AND OTHER WRITINGS,*

OF

SAMUEL A. FOOT, LL.D.,

COUNSELLOR AT LAW, AND LATE JUDGE OF THE COURT OF APPEALS.

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IN TWO VOLUMES.

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VOL. I.

AUTOBIOGRAPHY AND COLLATERAL  
REMINISCENCES.

<sup>c'</sup>  
NEW YORK:

1873.



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## P R E F A C E.

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### T O M Y C H I L D R E N . \*

THE life of a lawyer is seldom identified with striking events or important national measures, which carry it on to the page of history. He may obtain, by learning, industry, energy, perseverance, and self-denial, high professional distinction. He may win and enjoy the respect and esteem of his professional brethren of the bar and of the bench, the admiration and gratitude of his clients, and the applause of all who witness his skill and listen to his forensic efforts; and if to professional distinction he can add purity of morals, strict integrity, amenity of manners, and especially a Christian walk and conversation, he will also secure the confidence, friendship, and affection of all who know him. His life will be one of great usefulness and a real blessing to the community in which he lives. Yet, when death comes, and the curtain falls upon the scene of his activity and usefulness, his neighbors and friends will mourn his loss, talk of his many excellencies, recount his professional efforts, and cherish his memory. But when the historian writes the annals of the period in which he

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\* Although this work is addressed to "My Children," it is proper for me to state that it has not been submitted to them for perusal or examination before publication.

lived, his learning, talents, professional achievements, and virtues, will form no theme for his pen. The memory of them will have perished with his generation.

My life has been mainly that of a laborious, persevering, earnest lawyer, and my studies have been principally directed to obtaining success in my profession. Absorbing and exacting as that profession always is, it was not allowed, however, entirely to engross me. It was never permitted to interfere with the discharge of my duty as a citizen. At a very early period of life, and some years before being entitled to vote—indeed, as soon as I understood the nature of our Government, the importance of the duty of exercising the right of suffrage intelligently was deeply impressed upon me, and I have never failed to discharge that duty. By classical and general reading, I increased my knowledge, strove to keep up with the progress of science, arts, and literature, and endeavored, as opportunity offered, by addresses, lectures, and writings, to benefit and improve my fellow-men.

Several offices—executive, judicial, and legislative—have been held by me, and one of high grade, viz. : Judge of our Court of Appeals. Many important causes have been argued by me, several of which involved serious constitutional questions. Some of my arguments have been published in full, others in substance, and others again only briefly noticed. I have written and delivered numerous political and literary addresses and lectures, many of which have been published, and some of them widely circulated, and have written many articles for public journals. Yet, when the history of this state and country shall be written, in the next or subsequent centuries, my name will probably not be mentioned, nor the names of many distinguished members of the bar with whom

## PREFACE.

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I was associated, and who were ornaments of our profession, and blessings to our state and country.

In the hope that some of my children and grandchildren may reach so high a position of honor and usefulness as to render their parentage an object of interest, also to stimulate and encourage them to live lives of industry, economy, purity, and holiness, I have determined now, in my seventy-fifth year, to write a plain and truthful autobiography—give an account of the incidents which have occurred during my life—append to it my arguments, addresses, and lectures, which have been published or preserved, and my articles written for and published in public journals, and print a few copies for my children, grandchildren, and near relatives.

GENEVA, *February, 1865.*

## PORTRAITS.

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# AUTOBIOGRAPHY.

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IN 1849, Nathaniel Goodwin, of Hartford, Ct., distinguished for his knowledge of the genealogies of the descendants of the first settlers of New England, published a volume of 360 pages, containing the genealogies of the descendants of Nathaniel Foot,\* one of the first settlers of the town of Weathersfield, in that state.

By this volume it appears, that I am a lineal descendant in the seventh generation from this first settler of Weathersfield, who, with other emigrants from England, first located in the colony of Massachusetts Bay, in Watertown and other settlements in the vicinity of Boston, but in a few years afterwards, and in 1636, left Massachusetts for Weathersfield, Ct., "Where they might better maintain their ministers, find larger accommodations for their cattle, and welcome more of their friends from England, who were suffering for the faith once delivered to the saints."

This volume contains a full account of my ancestors and every thing of interest concerning them. At page 313 will be found a biographical notice of my brother, Ebenezer, written by me in 1848, at the request of our relatives and kinsmen in Connecticut, who were aiding Mr. Goodwin in collecting materials for his volume. In this notice of my brother some account is given of my parents and their family; but it is far from being as full of my parents as my children should have.

In 1775, when the Revolutionary War commenced, my

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\* Some of his descendants spell the name with a final e, others without it—most of my branch without it.

father was thirty-three years old, and my mother thirty. My father then owned a farm of 150 acres in Watertown, Ct., being the homestead of my grandfather, Dr. Thomas Foot, who gave it to my father, with whom he and my grandmother lived till they died, my grandfather in 1776, and my grandmother in 1789. My parents were faithful and earnest Whigs. My father served in the militia of Connecticut, and responded to every call during the war. On two occasions every able-bodied man was taken from Watertown, and my mother was obliged to go into the field and labor to preserve and secure the crops. During the seven years of the war, from the products of their farm, they paid the value of it in taxes, and every autumn, after gathering their crops, and setting aside sufficient to pay their taxes, they set apart what would be required to feed and clothe themselves and children for the year, made a list of the rest, and sent it to the appropriate officer for the use of the army, and were paid for it in a currency which proved to be of no value. I recollect to have seen, when a boy, a large pile of this worthless paper in my father's drawer. We have now (1865) a very inadequate idea of the homely, yet inestimable virtues of industry, frugality, self-denial, and unpretending, yet unyielding public spirit, which our fathers and mothers practiced in their struggle for national independence. I have heard my mother say, that she and father had only one drawing of tea during the whole war, and no molasses except what she made from cornstalks. My parents were not alone in the practice of these homely virtues. Thousands of men and women, heads of families in New England, did the same; and to their humble, self-denying and persevering efforts, was our young nation mainly indebted for success in its contest with the mother country. Their names, however, will never adorn a page of history, but their children and their children's children may rightfully recall their virtues, record them in the family archives, and drink in the inspiration of their example.\*

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\* In the case of my parents, their patriotic spirit seems to have descended on their posterity. For in the present war to preserve our na-

After the war my parents devoted all their energies to the education of their children. They applied the whole proceeds of their farm to that object, and laid up nothing for themselves. My sisters had the best educational advantages that section of the country afforded ; and my second brother, John, received a liberal education. These strenuous efforts of my parents, and especially the hard labor performed by my father on the farm, broke him down in health and strength when about sixty years of age (1802). After that time, he was not able to do anything on the farm, not even to give directions for its management. This early decadence of my father obliged me, while yet a mere boy, only twelve years of age, to take charge of the farm, which I did under my mother's direction, and of which a more full account will be given hereafter in these pages.

My parents were firm and earnest Christians, were members of the Congregational Church in Watertown, and faithful and consistent in the discharge of their religious duties. They kept the Sabbath with great strictness, and required all the members of their family to do the same. My father had a room in a long, one-story building, near the church,\* which was about a mile and a quarter from his residence, where the members of his family, and particularly his children, were required to spend the recess between the services. There some plain food was furnished, and there the children learned the

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tional life, five of my sons and eight of my nephews, sons and grandsons of my sisters, Davies, Lane, and York, have already (February, 1865) engaged in the military service of our country. Two of my sons and one of my nephews have yielded their lives in the contest, and one of my sons and two of my nephews been severely wounded. As for myself, age has prevented me from serving in the field, but I have done what I could for the country by writing, speaking, and pecuniary loans and contributions.

\* In the early part of this century, and probably at an earlier period, it was usual in New England to erect near the meeting-house a long, narrow, one-story building, which was divided into rooms. These rooms were separately occupied by families of the congregation in the same way my father's was.

catechism, and all, parents and children, read the Bible. This Sabbath-day room and my confinement in it, are among my earliest recollections. The rudiments of my education were acquired in the *Old Red School-House*, described in my address, delivered at Watertown, on the 4th of September, 1854, on the dedication of the "Ever-Green Cemetery" in that town, and under the tuition of Mr. Punderson, also mentioned in that address.\* I attended this school summer and winter until old enough to work on the farm, and after that only in the winter. As soon as I learned to read, my mother, by persuasion and reward, induced me to read the Bible through, and learn the Westminster catechism. In consequence of the impaired health of my father, I began to labor on the farm in the summer, earlier than boys in that neighborhood generally did. My impression is that I did not go to school in the summer after I was ten years old. During the years 1803 and 1804, and the year 1805, till after the fall crops were gathered, being the thirteenth, fourteenth and fifteenth years of my age, I conducted the farm, as already mentioned, under the advice and direction of my mother. This obliged me thus early to learn how to do all kinds of farming work, more to enable me to see that the laborers we hired did their work properly, than to do the hard work myself; but this led me to learn not only to plough, hoe, and make and repair fences, but also to mow, reap and cradle. The knowledge then acquired is still retained, and I am able now (1865) to teach men I employ how to plough, hoe, cradle, reap, mow, and make fences. The taste, too, for agricultural pursuits, which was acquired in those early and now distant years, has remained with me through life, and now gives me pleasure and employment.

When I entered my teens, my oldest brother, Ebenezer, was in successful practice as a lawyer at Troy, in this state. My brother John was away from home most of the time, and

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\* This address will be found, under its date, among my writings which are published with this autobiography in the order of their dates.

in such wretched health as to be unable, when at home, to render my parents any assistance. My sisters were all married and settled in life, except the youngest, Lavinia, next older than I. My parents had nothing but the farm, and had been obliged to sell some fifteen acres of that to clear themselves of debt. There seemed to be nothing before me but a life of hard work on the old farm, then greatly exhausted by continued cropping for years. There appeared to be no hope or prospect of an education for me, nor did I look forward to anything of the kind.

But in the summer of 1805, my brother, Ebenezer, made a visit to Watertown, and proposed that I should leave home the following fall, after the crops were in, go to Troy, and live with him, saying he would take me into his office as a clerk, and give me a chance to become a lawyer. My mother was deeply grieved at the thought of parting with her youngest child, and the only one who could be of service to her on the farm, and assist her in supporting the family. But she knew it was best for me to go, and, after a few weeks of anxious thought and a severe struggle with her own feelings, she determined to sacrifice them and her own comfort for my welfare, and consented to my going. My father was too feeble in mind and body to have or express any opinion or wish on the subject. It has been told me, and I fear with too much truth, that one reason which induced my mother to part with me, was the necessity—she saw there was—of my being placed under a stronger supervision than she could exercise over me.

After my mother had consented to part with me, an arrangement was made with my brother-in-law, Mr. Selah Scovill, to purchase a part of the old farm, and with my sister, his wife, come and live with my parents.

In October, 1805, and about two months before I was fifteen years of age, a certain Monday morning was fixed upon as the time for me to leave, as by that time we expected all the fall crops would be gathered; but from some cause, not now recollected, all the potatoes were not dug and brought into the cellar, and I worked alone in the field, with a cart and



oxen, and by the light of a lantern, till near twelve o'clock of the Saturday night previous to my leaving, to finish the gathering of the potatoes, so as not to be disappointed in starting the next Monday morning. On that morning, with five dollars in money and a pack containing a few clothes and some food, and which my mother weighed, and found its weight to be eleven pounds, I started on foot for Troy, in this state, a distance of about one hundred miles. I traveled the first day twenty-five miles, and reached Canaan Hollow—too far for the first day; for, on rising the following morning, my limbs were so stiff that I could scarcely walk. When hardly a mile from the tavern where I staid over night, a man seeming to have authority, probably some constable or selectman of the town, stopped me, and was about to take me up as a runaway, but the account I gave of myself was at last satisfactory to him, and he let me go on. Being small of my age, he seemed for awhile to doubt whether my parents could have allowed so small a boy to start afoot and alone on so long a journey. An honest look and a straight story, however, removed his doubts, though, as if not quite satisfied, he still stood in the road and kept his eye upon me, until a turn in the road took me out of his sight. On the fifth day, in the afternoon, I reached my brother's house in Troy.

After a day or two, I commenced my clerkship in my brother's office, and undertook to learn Latin, under the tuition of Mr. Jesse L. Billings, a young gentleman of liberal education, and a clerk in the office. I continued in my brother's family and office a little over a year. My brother was absent a large portion of the time, attending courts in different counties of the state. I was the errand boy for the house and the office; no fixed hours of study were assigned me; my evenings were generally spent with playmates in the street; and on the whole, my year and one month in Troy as a lawyer's clerk were poorly spent. I made some progress in Latin, learned the grammar, though imperfectly, and read, or tried to read, about a book and a half of Virgil's *Æneid*. My indifferent progress should not be charged, however, to my

tutor. Mr. Billings was a highly respectable and worthy young man, and became a prominent and successful lawyer and an estimable citizen of Washington county, in this state. He no doubt did the best he could with me.

Two of my most intimate playmates and street companions in Troy have become eminent Christians, and wealthy, liberal, and distinguished citizens. One is Henry Young, of the city of New York, and the other Jedediah Huntington, of Norwich, Connecticut. When I recall the manner in which we passed our evenings, the many pieces of mischief we committed, and the little promise either of us then gave of future usefulness and respectability, I cannot but exclaim, "Oh ! the infinite mercy of a gracious God !"

In December, 1806, my brother sent me to Schenectady, and placed me in the grammar school of Union College. This school was a part of the college and under its government. The pupils lodged in the college buildings, and ate at commons with the under graduates. Mr. Thomas McAuley, one of the professors of the college, had the immediate charge of the school. He directed the studies and inflicted the punishments. The scholars studied in a large room, where he generally presided. When I entered the school, which was at the beginning of the winter term, a copy of the laws of the college was handed to me to read and observe. One of them prohibited the students from leaving their rooms during the hours of study ; another, from going into the city during those hours without special permission.

I am now going to relate an incident which, though trivial in itself, had a powerful and probably a controlling influence in shaping my future course and forming my character ; and from it, too, parents and teachers may learn the important lesson, never to punish unjustly.

The day I entered the school I formed an acquaintance with a scholar who had been in the school a year and more. After supper, he told me he was going out to a tavern in the city, where a man kept a *keno* table (which was a gambling table on a small scale), where boys could play and make

money, if they had good luck ; and he was going to try his, and asked me to go with him and see how he came out. I told him it was against the rules of college to go out in study hours. He said nobody minded the rules for the first two or three days of the term ; that the faculty let the boys do as they pleased till they began study regularly, which they never did till the third day. Thus misled, I went with him, and he played, venturing a cent or two at a time. We returned about nine o'clock. Our absence was discovered, and the next morning, after the school was assembled for study, Professor McAuley called us to his desk, and inquired as to our absence. I made a clean breast of it, told him how I came to go out, and assured him that I should not have gone had I not believed what my schoolmate had told me about the rules at the beginning of the term. He punished my schoolmate pretty severely on the palms of his hands with a ferule, then turned to me, said my excuse would not do, and explained, though not satisfactorily to me, why it would not ; that he regretted being obliged to punish me the second day after joining the school, but that he could not allow such a plain violation of the rules to pass without punishment. I said nothing, though I felt that his decision was unjust, as my real fault, if fault it was, consisted in believing the statement of a schoolmate whose acquaintance I had just made, and whose truthfulness I had no reason to doubt. As soon as the decision was made, without waiting to be told to hold out my hand, I stepped up to the Professor, held out one hand, sustained it by clasping the wrist with the other, stood erect, and looked him in the face, as much as to say, I am ready, sir ; strike away. Something in my manner and appearance arrested the attention of Professor McAuley. He looked intently at me for an instant, seemed to read me through, laid down his ferule, and said : "Foot, I don't think you will violate the rules of college again ; you may take your seat." The act and the word reached the depths of my heart, and gave the Professor a controlling influence over me, which he used to my great advantage. Had he punished me, my belief is that the punishment would have been a serious injury to me.

On the 4th of November, 1830, I purchased and commenced an improved Common Place Book, and copied into it such scraps as I had before collected and then wished to preserve. Under the word "Autobiography" is the following entry :

"Before going to Schenectady to school (which was in December, 1806), I had no other ambition than to be conspicuous among my mates for daringness and disregard of consequences in mischievous designs. In a few weeks, however, Professor Thomas McAuley, by his judicious management, awakened in me a strong desire to excel in literary pursuits, and make a figure in the world at some future day." \*

I remained in this grammar school till the following July (1807), when the college commencement occurred and the long summer vacation began. My attention to my studies during this period was good, but my preparation for entering college was far from being completed. I had yet to read four and a half books of the *Æneid* and three orations of Cicero in Latin, and the four Evangelists in Greek, while in the latter language I had only been through the grammar once, and translated a few easy sentences in some book of Greek exercises not now recollected.

By this time I had come to understand and realize the position I held in respect to my brother. The thought of dependence upon his bounty was upon me in full volume. It produced upon me a twofold effect : one, that his bounty should not be bestowed in vain ; the other, that it should be taxed to as limited an extent as possible ; in other words, that the money he spent for my education should bring a full return in my educational progress, and that I would not ask for,

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\* This gentleman, who was such a wise and faithful guide to me, after a service of considerable length as a professor in Union College, became a minister of the gospel, and preached a number of years in the city of New York with great acceptance and benefit to his hearers. He was a co-manager with me of "The American Bible Society," in that city, during the years 1842-'4-'5-'6.

or spend a dollar that I could possibly do without. In this spirit, I resolved, if possible, to enter college at the beginning of the next college term and year, in September ; and thus save a year. The vacation was six weeks long. With my brother's approval, I remained at college after the commencement, and engaged a teacher to hear me recite an hour every day. During the whole of that vacation I studied closely fourteen hours a day, recited one hour, and spent another hour and a half, and sometimes more, in meals and exercise. If any collegian has ever spent a vacation at college, he knows how lonely, how wretched lonely, it is ; yet, to accomplish my purpose, this oppressive loneliness was endured and overcome.

I read the four and a half books of Virgil and the three orations of Cicero without difficulty ; but the Greek was a poser, and the more so to me, as my teacher was an indifferent Greek scholar. With my best efforts, I was only able to read the Gospel of John and the first chapter of Matthew ; those, however, were thoroughly read. When the term commenced, in September, I was examined, and though deficient in Greek, the faculty of the college allowed me to enter the Freshman class, with the understanding that my deficiency in Greek was to be made up during the term, which was done.

My collegiate course was not marked by any unusual occurrence. I was diligent in my studies and ambitious to excel ; and was one among several, whom Dr. Nott, the President of the college, allowed to accept invitations to parties in the city. One rule was never departed from, and that was, to learn my lesson first, and after that spend my time as I pleased. But my time was seldom wasted. It was almost always occupied in reading, or writing exercises for the class or society (Philomathian) to which I belonged. My brother gave me but little pocket-money, and my clothes were not equal to those of the students in general, and barely sufficient to save me from remarks on their deficiency. When the class commenced the study of Euclid, I committed to memory the demonstrations of the first four propositions, and repeated them, at recitation, without understanding them. When the class

came to the fifth, I studied at it for hours and until late at night ; finally, the demonstration burst upon me, and then, for the first time, I became conscious of having the power of reasoning abstractly. From that time forward my mathematical lessons were the easiest ones. An incident occurred in the last term of my Junior year, which made a deep impression on me at the time, and the recollection of which is still very distinct, and shows conclusively that, while the body rests and is refreshed by sleep, the mind is still active. The class had for the morning lesson some propositions in Enfield's Philosophy. Among them was one, the demonstration of which was involved and perplexing. My room-mate and I labored at it till bed-time, and could not comprehend it. He gave out and went to bed, but I was not willing to give it up, and continued my efforts to unfold and comprehend the reasoning. At length, wearied out and still unsuccessful, I went to bed and asleep. About 2 o'clock A.M. that night, I woke up with a clear and full comprehension of the proposition and the demonstration—woke up my room-mate, and said, "Chum, I can demonstrate that proposition." I struck a light, marked out the figure on our blackboard, returned to bed, and then gave the demonstration.

There was great rivalry between the Adelpic and Philomathean societies. Each strove to obtain the first honor of the class. My society (the Philomathean) claimed that I was the best scholar in our class ; and the Adelpic, that my class-mate, Silliman, a member of that society, was.

In my Common-place book, before mentioned, I find an entry in the following words :

"Early in my collegiate course I adopted some rules of life, and entered them in a kind of common-place book. I will preserve them, to show me my thoughts at that period of life.

Be familiar, but by no means vulgar.

Be generous, but not prodigal.

Wear a rich but not a gaudy dress.

We like the man we laugh at, but never respect him.

Only take a man, or pretend to take him, for what he wishes to be taken by you, and he will surely be your friend.

An hour of reflection is better than a year of repentance.

Be cautious of raising expectations, for the expected seldom answers expectation.

Do not rely too much on the goodness of mankind, for confidence in mankind is a tender plant so seldom cherished by the milk of human kindness, that at length it perishes.

Declare always what you feel, and you will never feel what you ought not to.

Converse on general topics with all.

Confide in others *too little* rather than too much.\*

In the same Common-place book is the following entry :

"When I first began to study history, I made the following table, which I will preserve as matter of curiosity :

Japhet.	Europe.	Gomer.	Celts.
		Magog.	Scythians.
		Meshec.	Samaritans.
		Tubal.	Tartars.
		Madai.	Moguls.
		Javan.	Medes.
		Tiras.	Ionians.
			Greeks.
			Thracians.
Ham.	Africa.	Cuish.	Babylonia.
		Mizraim.	Egypt.
		Phut.	Ethiopia.
		Canaan.	Cyrenaica.
			Lybia.
			Nubia.
			Phœnicia.
			Judea.
Shem.	Asia.	Elam.	Persia.
		Ashur.	Assyria.
		Arphaxad.	Chaldæa.
		Lud.	Lydia.
		Aram.	Syria.
			Mesopotamia."

\* I must have read Shakespeare pretty early in my college course, for the first and third of these rules are clearly taken from Polonius' advice to his son Laertes, in Hamlet.

I commenced as early as my Sophomore year to put a great deal on paper, which I gathered from books, and continued to do so while at college, and also after leaving it. But of this, and my reason for it, I shall speak hereafter.

Having in the early part of my Sophomore year read Dr. Franklin's experiments in regard to sleep, and his conclusion that six hours was sufficient for a person of ordinary health and constitution, who pursued a studious and sedentary life, I determined to adopt that as my allotted portion of time for sleep. To accomplish it and fix the habit upon me, I resolved not to go to bed till such time as the college-bell in the morning would wake me at the end of six hours. This resolution was perseveringly carried out, and the habit of sleeping that length of time so thoroughly fastened upon me, that it has continued through life, and even now (1865) I wake regularly at the end of six hours of sleep.

On the invitation of a committee of arrangements, I wrote and delivered an oration on the 4th of July, 1810, in the Reformed Dutch Church of Schenectady, before a general audience ; but I have not preserved it.

My brother resided in Albany, in 1810, and while at home in the summer-vacation of that year, the house of his neighbor, client, and friend, Mr. William Fowler, was burned at night. His eldest daughter, Mariam, then a Miss of thirteen, had a narrow escape from the flames. On the invitation of my brother, who was always ready to do an act of kindness, she was taken barefooted to his house, where she remained several days. Her piano was also brought there for safe-keeping. She had a good voice and a fine taste for music, and thus early, sang and played very well. I was also fond of music, and a good deal of my time was spent in listening to her. We thus became acquainted, and a mutual attachment commenced, which increased with our years, and resulted in our marriage, eight years afterwards, as I shall hereafter mention.

My brother John died in 1806, and my father in 1809. After my father's death, the balance of the old farm was sold to my brother-in-law, Scovill. An annuity was secured to my



mother, which, though small, was adequate to her wants, and she came to this state to live with her daughters, three of whom were well and happily settled here—one in Saratoga County, and two in St. Lawrence. From the remnant of the old farm, when my brother-in-law paid for it, I was entitled to some four or five hundred dollars as my share ; but this was not realized till some years afterwards, nor until considerable time after my brother Ebenezer's death.

For some reason, which I did not then understand, my brother seemed unable to pay my college bill for the last term of my Junior year, and near the close of the first term of my Senior year, which was in December, 1810 ; he proposed my leaving college and commencing the study of law, stating that I had then pursued classical studies four years, which was all the time that could be allowed me for such studies out of the seven years of clerkship, which the rules of the Supreme Court then required before a candidate for the bar could be admitted to an examination. A suggestion from him was law to me ; a ready assent was yielded, and more than that, I rejoiced at the prospect of relieving him earlier from the burthen of supporting me, which was always an unhappy thought to me ; though I kept from the first, with his knowledge and approval, an accurate account of his expenditures for me, resolving most firmly, if ever able, to repay him. He arranged for me to go to Milton, in Saratoga County, and enter the office of James Thompson, a prominent lawyer of that county, and a friend of his. He did not pay my college bill for that term, nor furnish me money to go to Mr. Thompson's, some thirty miles distant. He no doubt thought the furniture I had would sell for enough for that purpose, but it would not. Dr. Nott, good Dr. Nott, asked me if I had any money for my expenses, and when I told him I had not, he handed me ten dollars, saying, I might repay it when I was able. These two college bills were not paid, nor these ten dollars repaid, till some years afterwards, when, having earned the money in my profession, I paid them.

Here it seems proper I should state a fact, subsequently as-

certained, to which I did not allude in the biographical notice of my brother heretofore mentioned, but which has so material a bearing on my own life, that a true account of it cannot be given, if that fact is suppressed. Besides, accounting for my kind brother's inability to supply my pressing wants, it will give an impressive warning to my sons and grandsons. That fact is, that my kind, warm-hearted, generous and talented brother was addicted to gambling with cards. It was the great vice of the period, in which he lived and flourished. His professional brethren, gentlemen of education and high social position, with few exceptions, practiced it. My brother did not gamble for gain, but for the pleasurable excitement which it produced. The consequence was, that with his open, liberal, generous nature, he was usually a loser, and thus it was, that with a large, successful, and lucrative practice in his profession, he was always in debt, and always in want of money to meet his pecuniary obligations ; his debts of honor, as they were called, always having preference in payment, over those incurred in the ordinary transactions of life.

I entered Mr. Thompson's office as a clerk early in December, and remained there nine months, viz., till September, 1811, when I went to Albany and entered my brother's office. While in Mr. Thompson's office, I read law vigorously. Blackstone's Commentaries was then the great elementary book of the law ; indeed, the only comprehensive one, which was readable. My first step was to read it carefully through in course, and copy largely from it, as was then my practice. It soon appeared obvious to me, that Judge Blackstone had treated elaborately a large number of subjects, which were inapplicable to our country, and that some other mode of study must be adopted, beside reading his Commentaries, to obtain a knowledge of the laws of this state. After finishing the reading of his four volumes, thinking the matter over and over many times, and talking with Mr. Thompson about it, I hit upon the plan of studying law by subjects, which I at once adopted, and went over Blackstone again, taking up in order subject after subject, which formed a part of the

common law of this state. My usual course was to read first what Blackstone had written on the subject, then examine the Revised Statutes of this state, and learn what they contained, if anything, upon it; then read what could be found about it in such other books as Mr. Thompson had in his library; and thus gather, from every source within my reach, a knowledge of the principles of the subject investigated, and the remedies for the violation of rights resting upon them. This mode of study proved to be excellent, and I made rapid progress in acquiring a knowledge of the law. I have followed it through life, and have always recommended it to the students in my office.

My whole time in Mr. Thompson's office was not devoted to the study of law. Some portion of it was occupied in general reading. Among the books I read while there were Roscoe's *Lives of Lorenzo de Medici and Leo X*, and of them I made full abstracts.

On the 14th of June, 1823, I commenced a regular Diary, of which an account will be given when that year of my life is reached in this biography. In that diary, under date of the 19th of June, 1823, is the following statement, which I insert in this connection to show the views and thoughts I entertained when reading these works of Mr. Roscoe:

"I am daily reviewing what I have heretofore written or extracted from books. Before I began business, I used to put considerable on paper, which I gathered from books. Since that, I have not had time to do it, or write anything else of consequence, till May, 1822, when I formed a partnership with Edwards. One principal inducement to put so much on paper in early life, collected from books, was a fear that the books would not be met with again. I had not then the least expectation of ever being able to buy a library. Having almost discontinued this practice for ten years, during which time my knowledge has been, comparatively, vastly increased, I find now, when I take up these juvenile labors and consider them, that a great deal of my time was unprofitably spent, and a great proportion of the matter collected not worth preserving. While reading law with James Thompson, Es-

quire, in Milton (which I did from December, 1810, to September, 1811), I made a full abstract of the whole of the Lives of Lorenzo de Medici and Leo X, by Roscoe. This, together with more like it, I intend to destroy, as I can at any time have access to the books from whence it was taken, and am now able to select from them with more judgment."

The few articles of clothing which I needed while at Mr. Thompson's were furnished by him out of some money he collected for my brother. As to pocket-money, I expected none, and of course had none. The only recreation, if recreation it may be called, which I recollect to have indulged in during my nine months at Milton, was attending for three days and two nights a Methodist camp-meeting held some five or six miles from Mr. Thompson's. I walked there and back, and took my food with me. My object was to observe and learn the causes of the alleged numerous conversions at those meetings, and the manner of conducting them. My object was fully accomplished. The whole scene is still (1865) distinctly before me, and I could fill a small volume with a description of it. But "cui bono." Besides, it would be out of place in this biography.

One instance of real kindness to me at Milton I must mention. While there I lodged and boarded with a farmer by the name of Dibble, who lived about one hundred rods from Mr. Thompson's office. He and his wife were kind, excellent people, in moderate circumstances. When the time came for me to leave for Albany, there was no money to pay for my board, washing, and lodging. All I could say to them was, that if my life was spared, they should be paid. They told me to give myself no uneasiness on that score; that they had taken pleasure in having me in their family, and if they were never paid, they should not regret having helped me to get my profession. Nearly two years afterwards, and some months after I had been admitted to the bar, they happened to pass through Albany, and called at my brother's door in their wagon, and asked to see me. Among the first things they said was, that they had not come to dun me, and fearing I

might think so, they had determined not to call, and had driven through the city on their way home, but could not bear the thought of having been so near me, and yet not see me, and had turned back for that purpose. The interview was pleasant, and I had the satisfaction to tell them that I was admitted to the bar, was earning money, and should be able to pay them in a few months, which I did.

The summer of 1811 ought not to be passed without mentioning that my Alma Mater did not forget me at the commencement in July of that year. A diploma was awarded me and an oration in the public exercises of my class. But in consequence of leaving before my collegiate course was completed, I was not entitled to, and could not rightfully receive, the position as to honors to which my scholarship would otherwise have entitled me. For this reason, and the further and controlling one, that I had neither suitable clothes nor money to buy them, or even to pay my expenses and the fee for my diploma, I did not attend the commencement.

When I commenced my clerkship in my brother's office in Albany, in September, 1811, he had a junior partner, Mr. Samuel North. His health, however, was not good, and he became so ill that in February following (1812) he was obliged to withdraw from the duties of his profession. His illness cast upon me the charge of the business of the office. While this demanded a large portion of my time, and prevented me from pursuing as systematically and constantly as I desired my professional studies, it yet obliged me to acquire a knowledge of the practice of my profession, and, moreover, gave me a practical knowledge of the principles of law, to the extent they were covered and applied in the various suits and proceedings conducted in the office. This, too, was a broad field ; for my brother's business embraced almost every branch of the profession.

While reading law in Mr. Thompson's office, whenever I had occasion to look at a case in any of the few English reports which he had, I was often confused in regard to the time when the reports in which the case was found com-

menced, and when terminated ; in what reign or reigns the decisions reported were made ; who were the Chancellors, Chief Barons of the Exchequer, the Chief Justices of the King's Bench and of the Common Pleas ; and what reports, if any, were contemporaneous or consecutive ; and when prosecuting my studies in Albany, where I had access to a large library, my confusion, in the particulars mentioned, was greatly increased. This induced me to undertake a work, which I prosecuted and completed during my clerkship in Albany. It was a chart which showed the time each English report commenced and terminated, the beginning and end of each reign, and the time of the appointment of every Chancellor, Chief Baron, Chief Justice of the King's Bench and of the Common Pleas, from the commencement of the oldest report down to the year 1812, when the map was completed. These were all so arranged as to be easily seen in their connection on barely looking at the map. The chart also contained the like information in respect to the United States, and the several states in which at that time reports of judicial decisions were published.

The chart was intended for my own use only, but my brother encouraged me to publish it. For that purpose it was handsomely engraved, and one thousand copies struck off. A sufficient number of them was sold to pay the expense of publication, and yield me about \$250, which was the first money I ever earned.

At the close of the year 1812, seven years had passed since I first entered my brother's office. Of those seven years, however, three had not been devoted to the study of law as the rules of court required. But my brother made a special application to the court, and obtained an allowance of the time spent, or speaking more truly, *misspent*, in his office, before I went to Schenectady ; and the court admitted me to an examination as a candidate for an attorneyship at the January term in 1813. There was a class of seventeen candidates at that term. We were examined by three gentlemen of the bar in the presence of Chancellor Kent, then Chief Justice of that court,

who presided at the examination. After the first round of interrogatories to the class, the Chief Justice announced that he was satisfied with the answers of Samuel A. Talcott, Peter Brooks, Jr., and myself, and we were examined no further. My license is signed "James Kent," and dated 13th January, 1813.

Mr. North's recovery being hopeless, I entered into partnership with my brother as soon as admitted. He allowed me to divide equally with him all earnings except counsel fees, which he reserved to himself. The business was done in my name as attorney. Mr. North died shortly after our partnership was formed, and I was substituted as attorney in his place in all the suits then pending. The terms of this partnership were very liberal on the part of my brother, and put me at once into the receipt of a large income for a young attorney in the first year of his practice.

Within a few months after our partnership commenced, I learned the cause of my brother's pecuniary embarrassments, and was distressed to find, that he was deeply in debt, and owed a considerable amount more than he had means to pay. His creditors, discovering that I was industrious, studious, and no spendthrift, often pressed my brother, as a condition of further leniency, to obtain my indorsement of his notes,—more probably, however, to insure his attention to their payment, than to obtain further security. In this way, in less than a year, I became responsible as indorser for him to over fifteen hundred dollars. After paying my college bills, returning the money to Dr. Nott, and paying Mr. Dibble, I applied all the money I received, not needed for *necessary* current expenses, to reducing the amount my brother had advanced for my education.

Early in the year 1814 it became manifest to me that, if my brother continued to gamble, no exertions which I could make, would save him and me from constant pecuniary embarrassment and ultimate poverty, unless, to save myself, I should turn a cold shoulder to him, and be as close and selfish as he was open and generous. This I could not do ; for when

he wanted money, I could not hold back, if in my power to supply him or aid him in obtaining it. The thought often occurred to me to leave Albany and go to some distant county and work my own way in life ; but as often as it occurred, it was dismissed with the reflection, that it was my duty to stay with my brother, and do what I could for him and his family. He had a wife and daughter. I tried several times to engage him in a course of reading with me, and studied the game of chess, which he had taught me, so as to render the game pleasant to him, and thus occupy his evenings and leisure hours. But the fascination of the gaming table overcame all my efforts and those of his excellent wife. At length, after many anxious hours, yes, I may say, days of anxious thought, as to what course duty and sincere affection for this kind brother ought to lead me to adopt to save him and myself also, I resolved on the harsh and rash measure of driving, if possible, his gambling associates from him, and breaking up their haunts ; for by this time I had found out who those associates were, and their places of resort.

Fully aware that my action, under this resolution, would probably give my brother deep offence, and might separate us forever, still, I saw no other way of saving him and myself from certain ruin.

One of his favorite associates resided in New York, and whenever he came to Albany, there was a sitting of several days and nights. I determined to begin with this gentleman, when he next came to Albany. In a few weeks he came, and one morning called at our office. After a short call he left, and my brother went with him.

I addressed a note to this gentleman, and told him I had determined to take certain measures, which I indicated, against my brother's gambling associates, and that I should begin with him, if he again gambled with my brother. This note I left where I knew he would get it.

My brother did not come home to dinner. In the afternoon he came into the office with an excited and flushed countenance—came up to my desk where I was writing—had my



note in his hand, and said, "What do you mean, by writing such a note to my friend S.?" I expected and was prepared for this interview, and answered calmly, but decidedly, "Just what I have written." He then said, "Do you intend to pursue my friends in that way?" I answered, "Not your friends, but your enemies." My brother appeared astonished—stood a moment—looked intently at me—saw I was calm, and apparently fixed in my purpose, and then left the office without another word. He came home again shortly after tea, spent the evening with his family, and retired early. The sitting did not come off, and the gentleman from New York went back early the next morning, as I afterwards learned.

The next day my brother was unexpectedly called into an adjoining county to attend to some professional business, and was absent several days. On his return, he renewed my former proposal to commence a course of professional and miscellaneous reading together. This was cordially and joyfully accepted by me, and from that time onward till his death, which occurred in July following, he spent his evenings and leisure hours in this way and in playing chess with me. I do not think he ever after played a game of cards for money; and had his life been spared, I cannot doubt, it would have been crowned with competent wealth and high professional and political distinction. His death, which was most unexpected, left his widow and child destitute, and me overwhelmed with debt.

There was a balance of eight hundred dollars and upwards due from me to my brother's estate for his advances for my education; my liability as indorser of his notes exceeded fifteen hundred dollars; and there was still another large liability, amounting to twelve hundred and eight  $\frac{5}{100}$  dollars, to which I had become subject, without any fault of mine, and without the intended fault of any one, and which was of such a character, and was pushed with such rigor against me, as to drive me to jail for thirteen days in the month of August succeeding my brother's death. He died on the 21st of July, and on the 13th of August I was committed to prison for the non-

payment of this sum. This money had been won of my brother by four wealthy gentlemen of Albany, on the election for governor of this state, in April, 1813. He, with a number of other gentlemen of Albany, who had bet on that election, thought it had been carried against them by fraud, and sued the stake-holder to recover back their money deposited with him. The suits were conducted by my brother, but in my name, as attorney. The Supreme Court decided against the stake-holder, executions were issued, the money collected by the sheriff, paid to me as attorney, and by me immediately handed over to the plaintiffs in the suits, of whom my brother was one. On an application to the court, the executions were held to be irregular, on the ground of an agreement between counsel on the trial, of which I was not aware, and which my brother had overlooked. In my affidavit to oppose this application, I stated that I had paid the money to the several plaintiffs in the suits immediately after receiving it from the sheriff. My brother, not wishing to trouble our clients with a rule of court against them, and believing that the judgment of the Supreme Court would be affirmed by the Court for the Correction of Errors, to which the cause had been carried, did not read that statement in my affidavit, and allowed an order of the court to be made directing me to repay to the stake-holder the amount collected from him in all the suits, which was \$5,281.34. The Court for the Correction of Errors, instead of affirming the judgment of the Supreme Court, reversed it. The gentlemen who had won the money having learned that I had paid it over, immediately after receiving it, to the plaintiffs, obtained an order of the court at the May term, in 1814, directing the plaintiffs to pay it back. My brother, being one of them, was ordered to pay back the amount collected and received by him in his suit. All the plaintiffs complied with this order and paid back their respective amounts, except my brother, and he undoubtedly would, had he lived. As it was known that he died insolvent, the winners of this bet of him, which was \$950 (the excess above that being in-

terest and costs), at first talked of taking their share of my brother's estate and giving it to his widow and daughter—then of waiving ; and three of them did once actually agree to waive the order made against me as attorney to pay back the money, on my paying the costs in my brother's suit and the interest on the money bet ; but finally their love of money prevailed, and they imprisoned me. This excited great indignation in the community. Two of the winners of the money were insulted by citizens in the street, and left the city for fear of personal violence. Two gentlemen, friends of my brother, offered to lend me the money and save me from prison, but I did not wish to incur a debt so sacred as a loan, and which must be afterwards paid ; besides, I thought that the gentlemen winners could not stand the pressure which would be made upon them to release me, nor do I think they could, had they remained in Albany.

Jacob Mancius, a gentlemanly and kind-hearted man, was then sheriff of Albany. He did not turn a key upon me, but took my word of honor that I would not leave the building. The commitment was for disobedience of an order of the court, which was not bailable, nor entitle me to the limits of the prison, as an ordinary debtor. The jailor, Mr. Steel, by direction of the sheriff, gave me a large airy room on the first floor of the building, comfortably furnished. The jail proper consisted of the stories above the first floor. I boarded with Mr. Steel and his family, who occupied apartments on the same floor with me. My room was, in truth, Mr. Steel's parlor. My law register was brought to me from my office, and such papers as I needed in my profession. A constant stream of friends and clients visited me, and I commenced more suits and earned more money during the thirteen days I was in jail, than I have ever since, as an attorney, during the same length of time. After awhile I grew weary of my confinement, and felt the want of exercise. On the 22d of August I addressed to the gentlemen who were holding me in prison the following letter :

"TO MESSRS. A. B., C. D., E. F., AND G. H.

"GENTLEMEN: This is the tenth day I have been in prison at your suit. You are well acquainted with my situation, and that of my deceased brother's family; also with the nature of the claim you have against me. It is, consequently, unnecessary for me to remark upon them. I now make you the best offer it is in my power to perform; and I make the best first, because I have no wish to banter or trifle with you. This offer is no more than the same terms on which we agreed to settle previous to my imprisonment. I then went as far as my ability to perform extended. I now go the same length. At that time I had not money to pay the sum required, nor have I now; yet I believe sympathy for my misfortunes will induce some friend to loan me the sum required. Those terms were the payment of the costs (which have since increased) and interest, leaving due only \$950, the sum originally deposited by my brother. It is utterly impossible for me to pay the whole sum, and it will embarrass me greatly to comply with my present offer. Were there not a destitute widow and daughter, who looked to me for support, it would be somewhat different. You know, gentlemen, my brother's estate is insolvent; that his family rely on me solely for protection and maintenance, and that every cent of money I pay his creditors is a loss to me. I wish a direct answer to this proposition, as I am desirous of knowing whether or not it is your intention to doom me to perpetual imprisonment, and my deceased brother's family to similar distress.

"I am your obedient servant,

"SAM'L A. FOOT.

AUGUST 22, 1814.

To this letter I received no answer, and the gentlemen who had left the city still remained away, and my friends learned that they did not intend to return till autumn. On ascertaining this, my friends determined to raise the money by subscription, several of them thinking that the winners would be ashamed to receive what had been given by benevolent friends, to relieve an industrious, deserving young man from a cruel imprisonment. The money was promptly raised and paid to the sheriff. He and a number of my friends ac-

accompanied me from the jail to my office. The winners took the money.

Nearly every gentleman who subscribed became my client. I paid back the whole subscription, either in professional services or money—nearly all, however, in services. One gentleman, however, James Kane, who subscribed fifty dollars, would receive no return. He said it was a gift for a good object, and he would not consent to change it to a business transaction.

I have not mentioned the names of the gentlemen who were so cruelly selfish in their treatment of me. They are all now in their graves. One died poor, another one rich, but despised ; the other two, a few years afterwards, became my clients, and paid me for professional services more than double the amount they and their associates obtained by imprisoning me.

My children, I hope, will not fail to observe, that the real and primary cause of this imprisonment, was the waste of professional earnings at the gaming table.

I did not suffer in the estimation of any one by this imprisonment. Even the Judges, who ordered it, and at the same term, gave me leave to act as a counsellor-at-law, in all the causes in which I was attorney, and my brother counsel, although I was not entitled to admission, as a counsellor-at-law, till January, 1816. This was of great service to me, as it enabled me to commence trying and arguing causes, a year and a half before I should otherwise have been permitted to ; and moreover, enabled me to retain and complete all the suits at common law pending in our office at my brother's death. Chancellor Kent was even more kind to me. As I was not entitled to admission as a solicitor in chancery till January, 1816, all the suits in equity and all other business in chancery of our firm were conducted in my brother's name as solicitor, and at his death, must have been transferred to some other person. To enable me to retain these suits and this business, as well as to commence others, Chancellor Kent examined me shortly after I was relieved from prison, and finding me qualified to

practice in his court, admitted me as a solicitor and gave me a license which bears date the 7th of September, 1814. He also gave me leave to argue as counsel all causes in equity in which my brother was solicitor or counsel at his death.

The first case which I argued in the Supreme Court was *Danforth vs. The Schoharie Turnpike Company*, decided at the May Term of 1815, and reported in 12 John. R. 227.\* In this case the question was first raised in this state, whether assumpsit would lie against a corporation on an implied promise. I supported the affirmative and succeeded. My first case in the Court of Chancery was *Moore vs. Cable*, decided in April, 1815, and reported in 1 John. Ch. R. 385. An interesting question arose in this case respecting the character of a possession by the mortgagee, which shall destroy the mortgagor's right of redemption—my client succeeded.

Steady and unremitting attentions to my profession and strict economy in my expenses enabled me, in less than two years after my brother's death, to meet and satisfy all my pecuniary obligations and have a surplus of nearly one thousand dollars.

About this time an incident occurred, which taught me a valuable lesson, and which I will relate for the benefit of my sons. One of my clients, Mr. Nahum Rice, a merchant of Albany, had sold to a gentleman from St. Lawrence County a lot of whiskey amounting to three thousand dollars, and was offered in payment a note for that amount, at 90 days, signed by one and indorsed by three gentlemen of that county. Mr. Rice called at my office, shewed me the note, asked me if I knew any of the persons whose names were on it, and stated that he wished to ascertain their responsibility. My brother-in-law, Mr. Joseph York, who was then sheriff of that county, happened to be present, and I referred Mr. Rice to him, for the information he desired. Mr. York said every name on the

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\* In giving the names of the counsel, who argued the cause, the middle letter of my name was omitted. The reporter, probably, had not yet learned my name.

note was an excellent one, and that no better note could be made in the state. The note was payable at the State Bank in Albany, and Mr. Rice asked Mr. York for what he would guarantee the payment of it on the day it became due. Mr. York answered two and one half per cent. Mr. Rice said he would give it, but he must have a city name on it, to insure its payment on that day, and remarked, "Mr. Foot will probably have no objection to put his name on it after yours." Mr. York, without directly asking me, manifested a wish that I would, as it would enable him to make \$75 quite easily. I assented. He then indorsed the note and I after him. Before the ninety days came round, the maker of the note and the three indorsers before Mr. York failed. Mr. York was able to send me only \$1000 towards payment of the note when it became due. I had \$1000 of my own, and about \$1200 in my hands which I had collected for some clients in Rhode Island. I wrote to them for leave to use \$1000 of it for a short time, as Mr. York engaged to send another \$1000 in a few weeks. The note was protested for non-payment, and the next day I paid the amount, took up the note, and saved my name from being dishonored at the Bank. I commenced suits against the maker and three indorsers and obtained judgments the first hour the law would allow, and against the maker, who owned a large real estate, just one day before he confessed a judgment to other creditors, which would have swept away his whole estate. Those creditors were obliged to, and did pay my judgment. From that time forward, I have never indorsed a note, or become surety for any one, unless in some small matter, where there was no risk, and the liability so small, as to subject me to no inconvenience.

A lawyer ought never to engage in any business operations outside of his profession, if he intends to succeed in that.

In January, 1816, after a full examination, I was admitted a counsellor-at-law of the Supreme Court of this state. My license bears date the eleventh day of that month. In November following, after a like examination, I was admitted a counsellor-at-law of the Court of Chancery of this state.

My license in that court bears date the eighteenth day of November.

I pushed the settlement of my brother's estate as vigorously as possible, and by the close of the year 1815, had completed it, or at least so nearly so as to ascertain that it was insolvent to the extent of \$4000 or thereabouts.

Before I was admitted to the bar, and while a clerk in my brother's office, he commenced an action of ejectment for Wm. Houseman, a poor man who lived in the northwestern part of the county of Saratoga, to recover a large real estate in the city of New York, which he claimed as heir-at-law of his niece Rachael Hunt deceased, who was the only child of his brother, John Houseman, who died in that city leaving such estate to her. Wm. Houseman died before the cause was tried, and the suit abated. He left several children, sons and daughters, surviving him. Some time in the year 1815, and I think near the close of it, these children applied to me to renew the prosecution of the claim for them, stating that their father had told them, that he had agreed with my brother to give him ten thousand dollars, if he succeeded in recovering the property. They offered the same terms to me, saying, however, that they were poor and unable to pay anything if the property was not obtained. I declined making any agreement with them for a contingent compensation, but agreed to commence a suit and test their claim, and told them, I would leave the compensation to their honor in case of success. The thought at once occurred to me, that should I succeed and obtain the ten thousand dollars, or any thing like that amount, it would be owing to my having survived my brother and succeeded to his business, and I determined to apply whatever should be obtained in the suit, to the payment of his debts and a provision for his widow and daughter. The suit was immediately commenced and was tried at New York, in April, 1816. As the facts were few and simple, I went to the city, tried the cause alone and took a special verdict, that is, a verdict establishing all the material facts in the case, and leaving the questions of law to the court. The case was



ready and noticed for argument at the October Term of the Supreme Court, in 1817. Thomas Addis Emmet and Peter W. Radcliff were counsel for the defendants and opposed to me. Mr. Emmet was confessedly at the head of the bar in this state, and Mr. Radcliff was not far below him. It seemed to me presumptuous to undertake the argument of such an important cause against such eminent counsel. Knowing by this time that my brother's estate was insolvent to the amount of \$4000, I resolved that in case of success, and obtaining the \$10,000, to give \$5000 to my brother's widow and daughter, apply \$4000 to the payment of his debts, and give the other thousand to some distinguished counsel to assist me on the argument. In selecting that counsel I fixed upon a gentleman, who stood high in this state as a lawyer, advocate, and politician, and who, I knew, had been greatly assisted by my brother, when coming forward in the early part of his professional career. I went to him some weeks before the October Term of 1817, and opened my whole heart to him—stated especially my intentions in respect to the disposition I intended to make of the promised reward, thinking it would deeply interest him, as my brother had been so kind to him in former years, and offered him the \$1000 in case of success. My brief and points for the argument were already prepared, and I gave him a copy, so as to abridge his labor as far as I could. He encouraged me with the expectation, that he would attend the Term of the Court and aid me on the argument. When I called upon him a few days before the Term commenced, to confer with him and arrange for the argument, he informed me that he had concluded not to attend the Term, and said, that as the cause would certainly be carried to the Court of Errors, neither an argument before the Supreme Court, nor the decision of that court was of any consequence, and that we should be just as likely to succeed in the court above, with the decision of the Supreme Court against us as for us. I was greatly disappointed and disturbed at this determination of my supposed associate, and the more, because I could not but regard the decision of the Supreme Court as of great con-

sequence. But it was too near the Term to make any new arrangement, and I was obliged to go to New York and argue the cause against Messrs. Emmet and Radcliff. The court was not full when the cause was argued. Only three of the five judges were present. They do not appear to have regarded the case as of any moment, as no opinion was written and handed to the reporter.\* The cause was decided at the same Term, and against my clients. I brought a writ of error and removed the cause to the Court for the Correction of Errors. It was noticed and ready for argument, and argued at the Term of that court held at Albany, in September 1818. After the defendants ascertained that the cause had been removed, and was to be argued in the court of last resort, they employed John Wells, Esq., in the place of Mr. Radcliff. Mr. Wells was a compeer of Mr. Emmet, and regarded by many as his superior. The two were beyond all dispute the leaders at the bar in this state. They had no equals. A few weeks before the September Term of the Court of Errors commenced, I called on the gentleman, whose aid I expected, to receive his instructions for preparing the points for argument. After looking over the printed case, the outlines of my brief, and sketch of the points which I had prepared, he remarked, "Why, this is a great case—Emmet and Wells, I understand, are both in it; and each, no doubt, has received a large fee, not less than \$1000, and perhaps \$2500." I said, "Very likely, and I wish our clients were able to give you a like fee, but they are poor and can pay nothing unless they succeed. If they do, you will certainly have the \$1000 I proposed to give you." He then said, "I shall feel humbled and out of place, to go into court without a respectable fee, in such a case as this and against such opponents, and feeling so, I shan't be able to speak and argue with the force and spirit I should, if I felt that I stood on true professional ground;" and proposed, that I should give him my own note for \$500, and engage to pay him \$500 more if the judgment of the

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\* See Reporter's note (a) 16 John. R. 517.

Supreme Court was reversed. I hesitated at this unexpected and selfish proposal. Perceiving my hesitancy, he attempted to bring me to it and secure his aid by remarking, that Mr. Talcot, then a young and rapidly rising member of the bar, who was admitted at the same time I was, was going to argue his first cause at the next term of the Court of Errors, and had a case which opened several broad grounds for discussion and would give him a fine chance to display his talents, and regretted my first case presented such a narrow and dry point as ours did. This attempt to draw me into pecuniary obligations, and influence my action by an appeal to a supposed mean spirit of rivalry with a young professional brother, whom I admired and respected, mortified and offended me. I made no reply to it, but took up my papers and left the gentleman's library without uttering a word. The thought, that this gentleman, who, I had so many and such good reasons to think, would enter warmly into my views to provide for my brother's widow and child and pay his debts, was unwilling to take the little trouble his aid on the argument would have given him, even with a contingent fee of \$1000 in prospect, and *was willing* to take from me, and attempted to persuade me, by appealing to a supposed ignoble feeling of rivalry, to give him \$500 of my own earnings, and engage to give him \$500 more if we succeeded, whether my clients were willing or not, so overwhelmed me, that on my way to my office I could not refrain from tears. But indignation and pride happily came to my relief, and I determined to argue the cause alone.

I spared no pains to find and acquaint myself thoroughly with every case decided and every dictum uttered, whether for or against me, which had any bearing on the questions to be argued. As my clients were the plaintiffs in error, the commencement and closing of the argument, or, in professional language, the opening and reply, belonged to me. Fearing I should not have sufficient self-command to open the argument from a brief, I wrote out and committed to memory, so that I could deliver mechanically nearly the whole of my opening argument, and it was fortunate for me that I did; for my first

appearance in that high tribunal, the amount of property involved, the great eminence of the counsel opposed, and my intense anxiety to succeed, were too much for my nerves, steady as they generally are, and I should probably have broken down soon after commencing, had I not been able to speak mechanically for some minutes. After awhile, my self-possession returned, and I made my opening argument far more satisfactorily to myself than I had anticipated.

My eminent opponents appeared to regard, either the case as quite clear for their clients, or their opponent as inadequate to the task he had undertaken ; for they made, what I deemed, several mistakes. Mr. Wells, who opened the argument for the defendants in error, cited a large number of cases, and stated, inaccurately, that they sustained such and such propositions. Every one of these cases I had read and carefully examined, and had correct abstracts of them ; and in my reply, by bringing some of the books into court, and reading from my abstracts, was able to show his inaccuracy, and greatly weaken, if not entirely overthrow his argument. Mr. Emmet made an unfortunate remark, which evidently injured his cause with the lay members of the court.\* He remarked in the course of his argument, that he "felt belittled by the discussion." He doubtless intended his remark to apply to the narrowness of the point, on which the validity of the deed of trust was attacked, viz. : the want of a pecuniary consideration of one dollar ; but the members of the court, generally, thought he alluded to me, and felt himself belittled by a contest with such an antagonist. In my reply, I made no allusion to his remark, and thus gave him no opportunity for explanation.

The cause came on for decision at the term of the court held at Albany in January, 1819. Chancellor Kent was the only member of the court who wrote an opinion. His opinion,

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\* Our old Court for the Correction of Errors was composed of the Chancellor, Judges of the Supreme Court, and the members of the Senate, thirty-two in number, only a few of whom were lawyers.

as I afterwards learned, was handed about among the members of the court, and read by them before the cause was decided, and no doubt had great influence in producing the result. The decision of the Supreme Court was reversed, and judgment rendered in favor of my clients, by a vote of fourteen to six.\*

The gentleman, whose aid I had endeavored to obtain, was a senator, and of course a member of the court. In deciding causes removed from the Supreme Court, the Judges of that court had no voice, and the senators who were lawyers, were called on for their opinions next after the Chancellor. When the gentleman mentioned was called, he rose and said, he had been conversed with respecting the cause, and asked to be excused from taking a part in its decision. His manner, and mode of expressing himself, created the impression that an attempt had been improperly made to influence his vote in the case. I am unwilling, however, to think he intended to be so understood. Yet, it was singular, that the six senators, who voted to affirm the judgment, were the only and all the senators, who were of the same political (Bucktail) party, he was.

Two or three of my poor clients had succeeded in getting money enough to come to Albany to hear the decision; and when I came out of court and told them it was in their favor, they were wild with joy.

The next spring they all came to Albany, and went to New York with me to take possession of the property recovered. They received, in productive real estate and back rents, upwards of \$70,000, and handed me out of the back rents \$10,000. I gave \$5,000 to my brother's widow and daughter, applied \$4,000 to the payment of his debts, and satisfied them all, and took myself the \$1,000 which I had intended to give to counsel to aid me on the argument.

My success in this important cause, against the opinion of

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\* The title of this cause is *Jackson vs. Sebring*, and is reported in 16 John. R. 515.

the Judges of the Supreme Court, and the efforts of the two most eminent counsel in the state, gave me a position at the bar of far greater value to me than the very large reward which I received.

The ordeal through which I passed, in endeavoring to obtain the aid of older, abler, and more experienced counsel, taught me a lesson of kindness and liberality to my juniors at the bar, which has lasted me for life. No young member of the bar has ever had just cause to complain of me; but, on the contrary, many have reason to thank me for encouragement and aid in their early efforts.

In October, 1814, my nephew, James Edwards, a son of my sister Edwards, a country lad, in his fifteenth year, came from Saratoga county, where his parents resided, to Albany, to live with me and become a lawyer. He had a fair common-school education, and commenced a seven years' clerkship in my office. He was an upright and industrious youth. During the first four years of his clerkship, a large portion of his time was devoted to classical studies, under my instruction. One hour of my time each morning, before breakfast, was set apart for hearing his recitations, correcting his compositions, and giving him instruction in rhetoric. In this way, we went through nearly my whole course of studies in college, more thoroughly, however, in Latin and belles-lettres than in mathematics, the taste of my pupil inclining more strongly to the former than the latter. This morning hour of instruction was of great service to me as well as to my nephew. For while he acquired a good classical education, I revived and increased my knowledge of the classics. He was admitted to the bar in May, 1821, and commenced his profession at Ogdensburg. But on my proposal, he returned to Albany in May, 1822, and entered into partnership with me. We continued in partnership till I removed to New York, in May, 1828. Mr. Edwards still resides in Albany, in easy pecuniary circumstances, the head of an interesting family of sons and daughters, a gentleman of intelligence, pleasing and good manners, a sound lawyer, and one of God's noblest works, *an honest man*.

Being out of debt, in good business, with a few thousand dollars earned and invested, I felt at liberty to carry into effect a long-cherished design of marrying the young lady, in whom, when almost a child, I had become interested, as already mentioned, and between whom and myself there had been a strong attachment for some years, and an understanding that we were to be married, when my circumstances would allow it. We were accordingly married at the house of her father, Mr. William Fowler, early in the forenoon of Monday, the 17th day of August, 1818, and soon after left Albany in a carriage which I had hired for the journey, to visit my mother, sisters, and other relatives at Ogdensburgh and Black-Lake. We traveled leisurely, and visited friends on the way. Our first visit was to a college friend and brother lawyer at Amsterdam, Marcus T. Reynolds, Esquire, by whom and his agreeable lady we were cordially welcomed and hospitably entertained. Our next visit was to my college friend and brother lawyer, Hon. Alfred Conkling, at Canajoharie. He and I were warm friends at college, though not in the same class. He was before me; but we were members of the same society, and almost the only Republicans in college. In those days, the line of distinction between Federalists and Republicans was very marked. By previous arrangement, Mr. and Mrs. Conkling were to accompany us on our journey.

We had a very pleasant journey, and a delightful visit at Ogdensburgh, where my brother and sister York lived, and at Black-Lake, where my brother and sister Davies resided, and with whom my mother was living. My bride was a well-educated and accomplished young lady, of sweet temper, cheerful spirit, and winning manners. All were charmed with her. But when my good, dear, industrious and economical mother found that she did not know how to knit, she was really distressed, believing I had been most unfortunate in selecting a help-mate, and spoke to me on the subject with deep concern. I mentioned it to Mariam. She soon relieved my mother's anxiety by offering to learn to knit, if she would teach her. This my mother gladly undertook, and in a few days had the

satisfaction of seeing a stocking rapidly rising into being and shape in the hands of her apt scholar.

Our visit to Black-Lake had one important result. It opened a way for the education and future usefulness of my nephew, the Hon. Henry E. Davies, now (1865) presiding Judge of our Court of Appeals. He was then a lad on his father's farm, but a bright, pleasant boy, and fond of his books. His parents made an arrangement with Mr. Conkling to take Henry into his family and office, and give him an opportunity to qualify himself for admission to the bar. This arrangement was carried into execution.

Many amusing and pleasant incidents occurred on this journey, only one of which I will relate. On our return, we stopped one night at Morristown, and learning that a *Nisi Prius* Court of the King's Bench of Canada was being holden at Brockville, on the opposite side of the river, we concluded to go over, and see how trials at *nisi prius* were conducted in Canada. We found the court in session. Lord Campbell, as he was called, presided. He wore a black silk gown, a wig, and a small cocked hat, and was perched on one side of the court-room, in a semicircular box, resembling an old-fashioned pulpit, resting upon and supported by an upright post, which brought his Lordship's head, under his wig and hat, from twelve to fifteen feet above the floor of the court-room, so that a barrister, when addressing him, was obliged to throw his head back and look up. All the lawyers wore black gowns, most of which looked pretty seedy. The cause on trial was an action of debt on a bond for a deed. There were three counsel engaged, two on one side, and one on the other, all named "Jones." The plea to the action was simply *non est factum*, which, of course, put in issue only the execution of the bond; yet the counsel for the defendant offered proof and desired to show, that his client had performed his bond, and given to the plaintiff a deed, according to the condition of it. The counsel for the plaintiff objected to this proof under the plea of *non est factum*; and besides, asserted, that if it was admitted, he would show that the defendant had



no title to the land, and that his deed was good for nothing. The two Joneses on one side were actual brothers, and the usage of the bar was for all counsel to address and call each other "*brother*." The debate on these questions was carried on with warmth, and very irregularly for a long time, the counsel interrupting each other constantly, but always with, "Brother Jones, allow me," or some equivalent expression, never omitting, however, the "Brother Jones." Hence we heard on both sides, "Brother Jones, allow me"—"Brother Jones, if you please"—"My Lord, Brother Jones says," etc.—"Brother Jones, my Lord, is mistaken in saying," etc.; and so it went on for nearly two hours. Lord Campbell seemed to be somewhat perplexed between the technicalities of pleading and the apparent justice of the case, but was patient and good natured, and every now and then interrupted this tornado of Brother Joneses, with some pleasant remark bordering on, and intended to be a witticism. Finally, as there must be an end to all things in this world, the Brothers Jones were exhausted, and awaited My Lord's decision. He decided against the defendant, and assigned as a reason, that if the counsel for the defendant had intended to make the defence he offered, he should have plead *nil debit*. At this, Conkling and I could not help exchanging looks and smiling. Mr. Sherwood, an eminent lawyer of Canada, observing us, and struck, too, probably with the blunder of his Lordship, rose as *amicus curiae*, and said: "My Lord, this action is on a bond under seal, and *nil debit* is not a good plea in such a case." "Oh! (says My Lord) is the bond under seal? I hadn't noticed that; *nil debit* wouldn't be a proper plea." On this the three Jones sprung to their feet, each trying to get the ear of My Lord, and each calling the other, "Brother Jones." Conkling and I having satisfied our curiosity, withdrew.

This scene afforded us, on our journey home, many amusing hours. Conkling, being a tall man, of rather imposing presence, would cross his hat on his head, which gave it a cocked look, sit up erect, and personate my Lord Campbell, while I would take the parts of the Brothers Jones.

If any of my sons ever become lawyers, they will enjoy the scene I have described.

Mrs. Foot and I reached home after an absence of about four weeks, and on the invitation of her parents, I took up my residence with her at their house.

My brother, being a prominent member of the Republican party, as the biography of him, to which I have already alluded, will show, it was natural for me to fall into the same line of politics. Consequently in youth and early manhood, I was what in those days was called a "Jeffersonian Democratic Republican." This included, as the name imports, a high estimate of Mr. Jefferson and his principles, political and moral. This estimate of him I continued to hold till some years after his death, when I read his life written by his son-in-law, Mr. Randolph, which contained a great many of his letters. These entirely changed my estimate of his character and principles.

When the war of 1812 with Great Britain was declared, I was a clerk in my brother's office in Albany, and exceedingly anxious to obtain a commission in the army raised for that conflict. But my brother set his face firmly against it, and I yielded to him and continued my professional studies and duties. My first vote was given for the Republican candidates who supported the war, and my first political stand and act were on this wise.

In May, 1812, the Republican members of Congress nominated Mr. Madison for re-election as president, and a few days after, the Republican members of our legislature nominated DeWit Clinton for the same office. At that time, Mr. Clinton and Ambrose Spencer were, and had been for several years, the leaders of the Republican party in this state. They were brothers-in-law, and Mr. Spencer, a Judge of the Supreme Court. In June following, Congress declared war against Great Britain. This was a measure of the Republican party, which had a large majority in Congress. After this, Judge Spencer took ground in favor of the election of Mr. Madison, which produced a bitter quarrel between him and

Mr. Clinton. The war terminated. A treaty of peace was made in Europe, on the 24th of December, 1814, and announced at Washington, on the 17th of February, 1815.

Mr. Clinton, although supported by the Federalists for the Presidency, never identified himself with their party, and especially not with their unpopular measure of the Hartford Convention. After being defeated in the election for President in December, 1812, he was politically in retirement. He continued, however, to hold the office of Mayor of the city of New York to which he was appointed in February, 1811 ; also the office of Canal Commissioner, to which, with several other gentlemen, he was appointed by an act of the legislature in April of the same year. He was removed from the office of Mayor in March, 1815, and the office of Canal Commissioner, which he still retained, was unsalaried and merely honorary. He was consequently after his removal, out of public employment, and in complete retirement. But he was too marked a man to be kept there. The legislature met at Albany on the 30th of January, 1816, and shortly before it met, a large meeting of respectable citizens was held in the city of New York, at which earnest resolutions were passed in favor of the construction of the Erie and Champlain canals, and an able and strong memorial to the legislature, drawn by Mr. Clinton, adopted. He went to Albany as agent of the meeting to advocate the measure. On the 17th of April, 1816, the last day of the session, the legislature commenced in earnest the great enterprise of constructing our Erie and Champlain canals, and passed an act, the last one of the session, repealing former acts on the same subject, and appointing Mr. Clinton and four other gentlemen canal commissioners, with adequate powers.

Before the close of this session of the legislature, Judge Spencer and Mr. Clinton had a personal interview, and became reconciled.

Governor Tompkins was nominated as the Republican candidate for the office of Vice-President of the United States by the congressional caucus, held at Washington in March, 1816, and accepted the nomination. His election in December

following was regarded as certain. This would produce a vacancy in the office of Governor of this state on the 4th of March, 1817, and render the election of a successor necessary at the election in April following. Mr. Clinton's friends, and especially Judge Spencer, were very active during the summer and autumn of 1816 and the winter following, in pressing the nomination of Mr. Clinton for Governor by the Republican party. Mr. Joseph D. Selden, of Troy, was one of those friends. He and my deceased brother married sisters. This connection brought Mr. Selden and myself into intimate relations. He was a delegate from Rensselaer County to the Republican convention, held at Johnstown on the 5th of February, 1817, to nominate candidates for members of the senate, from the Eastern District, to be chosen at the ensuing election in April.

Mr. Selden knowing me to be in favor of the nomination and election of Mr. Clinton on account of his identification with our auspicious project of internal improvements, called on me, and wished me to draw some resolutions approving and recommending his nomination, saying that he intended to offer them, if he found the convention disposed to adopt them. I drew the resolutions. He took them to Judge Spencer for examination and approval. The Judge approved of them and only made a few verbal alterations. They were then redrawn, and Mr. Selden took them to Johnstown.

The convention nominated candidates for the senate, transacted all other ordinary business, directed their proceedings to be signed by the officers of the convention and published ; and then state, that "after the ordinary business of the convention was finished, the delegates to the convention having freely communicated with each other and compared their opinions . . . . and after having chosen J. D. Selden chairman, and A. Morrel secretary, adopted the following resolutions." Then followed a series of resolutions bringing Mr. Clinton forward as the Republican candidate for Governor at the ensuing election.

These were the first resolutions, passed by any public

meeting, calling Mr. Clinton again into political life. Whether they are the identical resolutions drawn by me or not, I am unable to say, though they undoubtedly are substantially, if not literally, the same.

They will be found at the commencement of the volume of "Papers Written by me," and marked No. 1.

Advocating Mr. Clinton's nomination and election was the commencement of my political career, and drawing these resolutions, the first act which identified me as one of his supporters. My support, unimportant as it may have been, was given, because he was the chief promoter and most efficient conductor of our great canal project. It made me in the political nomenclature of the day, a "Clintonian." The same consideration induced me to remain one, until the construction of our canals became the established policy of the state, and they approached completion ; and until Mr. Clinton, in 1825, avowed his determination to support Andrew Jackson for the Presidency. He was able to carry but few friends with him in this state into the Jackson ranks.

The preceding statements have been made thus full and particular, that my children may see my surroundings, motive, and object, when taking my first position, and performing my first act as a politician.

During the winter subsequent to my marriage, which was spent with Mrs. Foot at Mr. Fowler's, Benjamin F. Butler, then a young gentleman about my age, though somewhat younger, and afterwards eminent as a lawyer, politician and Christian, joined me in studying French. We engaged a teacher, who attended us twice a week at Mr. Fowler's for several months.

On the 21st of June, 1819, a daughter was born to us, whom we named Margaret.

On the 3d of July following, most unexpectedly, and without any previous intimation, I received a commission as District Attorney for the county of Albany—a highly respectable and responsible office—bestowed by the council of appointment then sitting in the city of New York, and as after-

wards ascertained, on the nomination and recommendation of Governor Clinton.\* The manner in which this office was conferred was very gratifying, and greatly enhanced my estimation of it. It proved, however, distasteful to me. It brought me in contact with criminals and their associates, the degraded and hatefully vile, and obliged me to bestow a large portion of my time and thoughts on crimes, and the means of detecting and punishing them. It kept constantly before me the worst aspects of poor humanity, and hindered me in cultivating those views and sentiments of my fellow-men, which I desired to entertain. After holding the office about six months, my wish was to resign it, but at that time, a new phase of the old Republican party, under new leaders and opposed to Governor Clinton and his state policy, called the "Bucktail Party,"† was gaining strength and likely to come into power, and if they did, would remove from office all Governor Clinton's supporters. Under such circumstances, resignation did not seem proper, and I held on till February, 1821, when the Bucktail Council of Appointment removed me, and appointed my neighbor, and with truth it may be said, my *friend*, Benjamin F. Butler in my place. Although we were never on the same political platform, we were always friends and intimates in our social and professional relations.

On the 18th of October of this year, Mrs. Foot and I commenced housekeeping, slept that night in our own dwelling, and, the next morning, took our first meal at our own table. Mr. and Mrs. Fowler were kind and liberal, and furnished our house handsomely for us.

My brother and his family attended the Episcopal church. When with them in my college vacations, and afterwards when a clerk in his office, and partner in business, I attended the same church, and continued to do so for some years after his death; but a controversy arose between the rector and the bishop of the diocese, in which the parishioners took sides, and

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\* He was elected Governor in April, 1817.

† For the origin of this strange party name, see Hammond's Political History of New York. 1 vol., p. 451.

like other lawyers, having no taste for a quarrel on my own account, withdrew from the church. After our marriage, Mrs. Foot and I attended the Second Presbyterian Church. She united with the church proper on confession, on the 6th of February, 1820, and in the afternoon our little daughter was baptized.

This little daughter, though well formed and healthy, was taken ill in the summer of 1820, and notwithstanding change of climate, and every other available means of recovery, were resorted to, she still grew worse, and died on the 11th of November following. This was the only child we ever had.

This year (1820) the Supreme Court held its October Term at Utica. There was but one good hotel in the place. That was called "Bagg's Tavern." The Judges and members of the bar stayed there. Daniel Cady, of Johnstown, and I occupied a room together, and then began an acquaintance and friendship, which continued during our lives. Mr. Cady was nearly twenty years my senior, yet our friendship grew and strengthened with our years. We attended regularly the term of the court at Utica for many years, and always occupied the same room together. For fifty-two years, viz. from 1795 to 1847, Mr. Cady was an active and industrious practitioner of the law. When I became acquainted with him, and ever thereafter, he ranked among the very first class of our profession, but his moral qualities were even more prominent than his intellectual. He was an ornament to the bar, beloved and respected by all; and when elected a Judge of the Supreme Court, as he was in 1847, he carried on to the bench all the high qualities, which adorned his character as a member of the bar. He remained on the bench till the close of the year 1855, when, being in the eighty-second year of his age, he resigned. He was a beautiful specimen of a learned, faithful and righteous judge. It is said of him, and no doubt truly, that during the seven and one-half years he was on the bench, "he lost not an hour of time in the discharge of his duties." He died in October, 1859.

When our long and warm friendship, and his many intel-

lectual and moral excellencies are recalled and reviewed, it seems strange to me, knowing my own imperfections, that he should have thought me worthy of his unabated friendship. His and my intimacy soon brought our families acquainted, and mutual visits to each other's houses often occurred for several years. His eldest daughter, Tryphena, now Mrs. Byard, made Mrs. Foot many visits, and passed a good deal of time with us before she was married. She was a bright and very agreeable young lady. In December, 1820, she was visiting some relatives in Albany, and was invited to meet her father at my house at tea. She was then a miss of seventeen. When I came in, she was chatting with Mrs. Foot, who introduced her to me as Miss Tryphena Cady, the daughter of my friend. The name *Tryphena* struck me as odd, and I asked her, where her parents found that name. She remarked in answer, that she feared I had not read my Bible with care, and referred me to Romans, 16 chap. 12 verse. I looked, and there, sure enough, St. Paul says, "Salute Tryphena." I could not help an effort to give her a kiss.

The year 1821 was an eventful one for me. In February, as already mentioned, my removal from the office of district attorney for Albany County occurred.

A law having been passed in March of this year, for calling a convention to revise the constitution of this state, a county convention was held at Albany on the 25th of May, to nominate delegates from Albany County to the state convention.

Stephen Van Rensselaer, James Kent, Ambrose Spencer and Abraham Van Vechten were nominated.

A large meeting of citizens was held in Albany on the evening of the 31st of May to respond to their nomination and promote their election. A professional brother, James McKown, who was several years my senior, opened the meeting with an eloquent and appropriate address, and another professional brother, Ebenezer Baldwin, also my senior, introduced a series of appropriate resolutions, which were beautifully drawn, and the duty was assigned to me of seconding them, and delivering a speech in their support.



An outline of my speech was published in the papers of the day ; but the latter part of it, in which I spoke of each of the candidates in the order they were nominated, was omitted. Having this day (1865) a distinct recollection of my remarks on each of the candidates, I have added them to the published outline. The whole will be found in the volume of "Papers Written by me," and marked No. 2.

In the autumn of this year, I purchased a handsome three story brick house in Montgomery street, and took possession of it in May following. I also purchased a small lot on the opposite side of the same street, erected a two story building, and occupied it as an office.

The greatest event, however, of this year, was the entire abandonment of the use of tobacco. The habit of using this deleterious weed was acquired while at college, and grew upon me every year, until finally it became almost a second nature to me, and so incorporated in my physical system as to make an abandonment of it nearly impossible ; yet it was plain to me, that it was gradually undermining my constitution. It affected my nervous system, rendering me excitable, and causing tremulousness in my hands. It produced inequality in my spirits. While under its influence, they rose above the natural standard, and when not, fell below. It gave a pallid and sallow hue to my complexion. A desire for the weed strengthened with its use, and caused a steady increase in frequency and quantity. I began to fear, too, that it would ultimately draw me into the use of more powerful stimulants, of which there were many fearful examples within the circle of my acquaintances. Under these circumstances, I resolved, one Sabbath afternoon, to abandon the use of the weed.

The keeping of this resolution cost me a severe struggle. The restlessness felt, especially after meals, was almost insufferable. It gradually subsided, however, and after a few weeks, could be easily borne and resisted. At the end of six weeks, all desire for the vile weed was gone, and also the effects of its use. My spirits became equable, my nerves steady, and my complexion assumed a natural and healthy aspect. I

have ever since entertained a horror of tobacco, and feel grateful for being enabled to abandon its use.

## 1822.

In May of this year, Mrs. Foot and I removed to our own house purchased the year before, and took possession of the building erected for my office. My partnership with Mr. Edwards also commenced this month, and relieved me from attention to the details of business in the office. This gave me more time for social duties, study of the classics and general reading.

My house and office were paid for ; my house handsomely furnished ; there were no debts against me ; I had several thousand dollars safely invested, a good professional business, and an income from it considerably beyond my wants. Under these favorable circumstances, Mrs. Foot and I determined to pay more attention to our social duties. We entertained more and visited more than we had done before.

As we had no children, and Mr. Fowler was abundantly able to provide for Mrs. Foot, if she needed such provision, there appeared to be no necessity, or motive, except the ignoble one of love of money, for rapid, or large accumulation of property. I, therefore, determined to lay up fifteen hundred dollars a year of my earnings, and spend the rest. This was done for thirteen years, and until new duties and responsibilities rendered larger accumulations necessary and proper.

Chancellor Kent this year gave me new proof of his friendship. On his advice and recommendation, his son, William, entered my office as a clerk, and remained with me till the Chancellor removed with his family to New York, near the close of October, in the following year.

Grateful for the many temporal blessings, a Bountiful Benefactor was constantly bestowing upon me, my heart began this year to turn towards Him. My memory does not enable me to recall any particular time, when a change occurred in my religious views and feelings. That change was gradual,

and not complete till several years after it began. My impression is, that I commenced asking a blessing at meals in May this year, when we were established in our own house, and some short time after that, joined Mrs. Foot in private devotions in our own room before retiring to rest—first, and for a considerable time only on Sunday evenings ; but afterwards on every evening.

### 1823.

This year was an important one in my life, for on the 14th day of June I commenced a diary, and have continued it to the present time (1866). The keeping of it has proved a sort of sentinel over me, and materially aided me in my efforts to live a useful life.

The commencement of it is as follows—

“Yesterday I purchased Dr. Franklin’s works in 6 volumes. In the afternoon and evening looked them through ; and although I had previously read his memoirs written by himself, and become otherwise acquainted with his life and writings, yet I had very inadequate ideas of the extent of his writings, learning and usefulness. While reflecting this morning on his many and eminent virtues, I was led to take a retrospect of my own life. How barren it appeared ! How dissatisfied I am with myself.”

I then went into a review of my own life for the last fifteen years, and particularly of the manner of spending my time, and was astonished to find how large a portion of it had been uselessly spent. On this my words were—

“This is most unpardonable, especially since it is a dead loss. What a different man I should have been this day from what I am, had that time been devoted to the acquisition of useful knowledge. Reformation shall take place. Should a kind Providence spare my life for the next fifteen years, may I be able to give a better account of the manner in which it has been spent. To aid me in this respect, I am determined to keep a journal from this time, in which shall be noted my time of rising and going to rest, and the way my time is spent each day.”

After noting the time of rising that morning (14th of June) this first entry in my diary is closed in the following words—

“Deeply convinced of my dependence on my Heavenly Parent, I implore his aid in reforming myself, and in keeping my resolutions. O God, vouchsafe to me thy assistance in these things. I ask it through the merits of thy Son, my Saviour.”

One of the modes of wasting time and intellectual strength, which I desired to correct by a diary, was a habit of *musings*, (as nearly as I can describe it by the use of one word.) It did not consist in castle-building, but in my thoughts running at random, and indulging themselves in wild and luxuriant rambles in imaginary scenes.

In my diary of the 16th of June, mention is made of detecting my thoughts in one of these roving excursions, and I say—

“They were easily called in. It is clear to my mind, that the thoughts may be concentrated and applied to any subject at will. One cannot watch them all the while. Of course, they occasionally break out, and strike into unexpected trains.”

We often see men of ordinary powers of mind reach high distinction, become great men, and leave behind them imperishable names and rich stores of useful knowledge. My impression is, that their success is attributable, in a great degree, to their ability to control their thoughts and apply them to useful and practical objects.

In the last week of July, business at the Saratoga Circuit took me to Ballston Spa, where the court was held. Mrs. Foot went with me. We lodged at the Sans Souci, were there a week, and made many interesting and valuable acquaintances; among them were two gentlemen of distinction, Harrison G. Otis of Boston, and Professor Benjamin Silliman of New Haven. Mr. Silliman and I met frequently, had several interesting conversations, and became quite well acquainted. Our ladies also became acquainted, and we all took a ride to-

gether to Saratoga and spent a day there. Mr. Ab'm Van Vechten also attended this court, being engaged on the opposite side to me in the cause I went there to try. His two daughters were with him. When the trial was over, we all returned to Albany together. This visit to Ballston Spa was a very pleasant one, and also useful socially to me and Mrs. Foot.

On the 26th of September, at 2 o'clock P.M., the water was let into the eastern section of the Erie Canal. The citizens of Albany determined to celebrate the event of the passage of the first boat from the canal into the Hudson river. A meeting was held and a committee appointed to arrange and conduct the celebration. I took an active part in calling the meeting, was on the committee of arrangements, and chairman of one of the principal sub-committees. The toasts for the dinner were drawn by me, and the publication of the proceedings superintended by me. The celebration took place on the 8th of October.

In my diary, under date of the 28th of October, is an entry in the following words—

“In the evening we had a small party. Before the company came in, Chancellor Kent called and bid us farewell. The parting was interesting. The Chancellor was affected and so was I. When William and I parted the other day, it was the same.”

The record of this year shows a constant struggle with myself to waste no time in unnecessary sleep, musing or otherwise; and yet with my best efforts, I made continual failures, over which I sorrowed, and resolved again and again to do better for the future, and repeatedly asked the aid of my Heavenly Father in keeping these resolutions. My efforts were especially directed to spending the Sabbath properly; yet herein, too, I often failed to my deep sorrow.

My profession, social intercourse, and general reading occupied my time almost wholly this year, indeed all of it not required for exercise.

1824.

This year, as the last, was devoted to my profession, social duties, and general reading, with one prominent exception, as follows :

The western part of our state had become an important and influential portion of it ; and since the completion of the middle and eastern sections of the Erie Canal, and the early prospective completion of the western section, had rapidly increased in wealth, population, and influence. Although I had quite an extensive acquaintance with the prominent men, especially those who were members of the bar, in that part of the state, I had never had an opportunity to see anything of it west of Utica, and had had a desire for some time to travel leisurely through it, nor had I ever seen the great wonder of this continent—the Falls of Niagara. I had read the history of “The old French war,” as it was called, that is, the war between France and Great Britain and her colonies, especially her American colonies, which began in 1753 and ended in 1762, by which Great Britain acquired Canada, and desired to visit the various points of interest in that war. My attention had also been drawn to the progress which the Roman Catholic hierarchy was making in this country ; and as it was fully established and was the prevailing and controlling ecclesiastical establishment in Lower Canada, I wished to see its churches, establishments, and institutions, and learn something of them by personal observation. Professor Silliman, of Yale College, had made a tour from Hartford, Ct., to Quebec in the autumn of 1819, and published an account of it the year following. The reading of this (at that time) interesting publication, had increased my desire to visit Canada. Mrs. Foot, too, was equally with myself desirous of observation and information, on these various objects and subjects of interest. To enable us to make the tour agreeable, as well as instructive, I re-read the history of the old French war, and made notes of dates and points of interest ; also made myself acquainted with the number and character of the Roman

Catholic establishments in this country that I might be able, if occasion required, to converse intelligently concerning them, and also compare them with those in Canada. With these aids, and a copy of Silliman's Tour, I hoped to realize the pleasure and benefits anticipated.

Early in the spring of this year, we determined to make this long contemplated tour the following summer, and made our arrangements accordingly.

Mrs. Foot, myself, and Mrs. Foot's sister, Miss Sarah Fowler, now (1865) the wife of Dr. Horace Webster, President of the City College of New York, left Albany on the morning of Monday the 31st of May, in a canal packet boat, and reached Schenectady that evening. The ride was pleasant, the mode of traveling being new, and the scenery between Albany and Schenectady then fresh and interesting. This, we understood, was the first trip of a packet boat on the canal between the two places. The boat was commanded by Capt. Bogart, a respectable man, nearly or quite sixty years of age, who had during his active life commanded a sloop on the Hudson river, between Albany and New York, but had retired from active employment. He was selected to take command of this first and new boat on account of his great experience and trustiness ; and he had drawn from the quietness of age his old pilot, who had sailed with him for years on the Hudson, that he might have the aid of a true man at the helm. The captain took his station a little forward of the centre of the boat, and the pilot took the helm. The horses, being fresh and unused to the work, started with vigor. The captain, as accustomed in his sloop on the Hudson, gave his orders to his old and trusty pilot in nautical language, *star-board, port, easy*. But the canal was not the wide Hudson, nor the horses the wind and sails, and the boat every now and then would first bring up on one bank of the canal, and then on the other, and would most certainly strike one or the other at every turn in the canal. This produced great delay, and by the time we reached Schenectady, captain, pilot and horses were thoroughly worn out.

While the boat was passing through the locks west of Troy, the ladies and I called to see some friends in the neighborhood, and afterwards went and viewed the Cahoes Falls. The river was high, and they presented an imposing sight. The whole brow of the precipice was covered with water.

General Wadsworth, of Geneseo, was one of our fellow-passengers. He and I had a good deal of pleasant conversation during the day.

The next day we left Schenectady early in the morning in a packet boat, and went to the town of Canajoharie, about half way to Utica, and opposite to Palatine Bridge. There we left the boat, crossed the Mohawk to Palatine, and staid there over night. Of this day's journey, I say in my diary—

“The ride was delightful, the weather was fair, though warm. We passed through the vale of the Mohawk. The canal is so high as to give one on a boat a full view of the whole vale. There was no great variety in the scenery, but uniform richness. Nathaniel W. Howell, of Canandaigua, his son and daughter, and General Wadsworth, with about thirty others, were on the boat. I had considerable conversation with Mr. Howell and General Wadsworth.”

The following day, being Wednesday the 2d of June, we recrossed the Mohawk, and took the packet boat from the east to Utica, where we arrived that evening, and stopped at “Baggs Tavern,” then the leading hotel of the West and admirably well kept.

Of this day, I say in my diary :

“The ride was pleasant. The scenery was much the same as that from Schenectady to Canajoharie. The vale of the Mohawk was continually presenting her riches to our view, and through the town of German Flatts, they were abundant. There was one exception to this, viz., the scenery in the neighborhood of Little Falls. It is not only beautiful, but almost, if not quite, grand. It certainly excites different emotions from the beautiful in nature. It is wild and commanding.

“The canal appears to be well made, and in viewing it and



the scene, no idea was more prominent in my mind, than this, that the strength of man, applied and guided by science and wisdom, is almost irresistible. The aqueduct surpasses all pieces of masonry I have ever seen, though I have seen but few. All the passengers on the boat were strangers to me."

The next day, we took a carriage and went to Trenton to view the Falls. We spent the day there and returned to Utica in the evening. We dined at Sherman's, who then kept the "Rural Resort," near the Falls, a small, neat, pleasant house. Our time was wholly occupied in viewing the Falls. My diary contains a full description of them, covering several pages of manuscript, which I sat up till twelve o'clock that night to write. But these Falls are now (1865) so universally visited, that a description of them would be tedious. If my children have any curiosity to see my description of them, they will find it in my diary. "The Falls (I say) border on the grand." . . . . The display of scenery was bold and rich. I must leave the subject with recording one appearance, as it is now almost 12 o'clock. The column of water, at the summit of the first section of the great fall, and at the summit of the first fall, was black as elsewhere in the creek, but as soon as it turned over the brow of the precipice and took the rays of light laterally, it assumed a rich yellow hue, and grew lighter and lighter until it reached the bottom. On this column the air raised puffs, the base of which had the color of the column. They grew lighter until the point became white, and terminated in spray. The column was full of these puffs, especially towards the bottom."

On Friday the 4th of June we left Utica early in the morning in a post-coach and rode to Onondaga Hollow, which we reached in the afternoon. Nothing worthy of notice occurred in this ride. We breakfasted at Vernon Village, and dined at Manlius. I only mention in my diary that as we descended the hill towards Manlius, the face of the country improved in appearance.

At Onondaga Hollow, I met some professional acquaintances, and passed some time with them. In the evening I

went with the landlord of the tavern at which we stopped, to examine a potashery, and learn the mode of manufacturing potash. The operation is simple. The ashes are leached, the lye boiled down till it becomes thick and ropy. It is then purified by being subjected to a high heat in fresh kettles.

The next morning we started early to visit the villages of Syracuse and Salina, and view and examine the salterns of those villages. We met at Syracuse two gentlemen of my acquaintance, who resided there, Judge Joshua Forman and Mr. Moses D. Burnet. They accompanied us to Salina, showed us all the arrangements for raising and distributing the salt water and manufacturing salt at the villages of Syracuse, Salina, Liverpool and Geddes. My diary contains a full description of them and of the different modes of manufacturing salt. They are substantially the same at the present day (1865), though on a far more extensive scale. They were new and interesting to me then. All well-informed persons are now acquainted with them and I will not repeat them.

In the afternoon we left Onondaga Hollow for Auburn where we arrived that evening. Before dismissing our stop at the Hollow and our ride to Auburn, I will mention a few things found in my diary.

The view, from the summit of the hill on the west of the village, where the Onondaga Court House formerly stood, is quite extensive. Syracuse, Salina and Liverpool are plainly seen, and I thought the waters of Oneida lake were also visible. The view also from the summit of the hill east of the village is beautiful. It embraces the Hollow and the slope beyond. All beautiful land and well cultivated. In our ride to Auburn we passed through Shaneateles, a beautiful village, where I met James Porter and F. G. Jewett, friends and members of the bar. With each in subsequent years I had intimate relations. Mr. Porter was Register in Chancery for several years, in which court I had an active practice. Mr. Jewett employed me as counsel to try and argue his causes at the East, and finally served with me as Judge of the Court of Appeals.

We spent Sunday the 5th of June in Auburn. I had several friends and acquaintances there. We attended the Presbyterian church in the forenoon with my friend John Porter, heard a sensible and instructive sermon from Professor Mills—the pastor, Rev. Mr. Lansing, being too ill to preach. I find an entry in my diary in the following words—

“I enjoyed the services this morning, and before church, held considerable communion with my Heavenly Father. I thank Him most sincerely and devoutly for his protection during the past week over me and mine, we having been several times exposed to danger.”

We attended church in the evening and heard a sensible sermon from the pulpit of the Presbyterian church, delivered by a Baptist clergyman of the name of Wycoff. I say in my diary—“This is as it should be.”

Several friends and acquaintances called upon us in the evening. Among them, Judge and Mrs. Enos T. Throop, Mr. and Mrs. George B. Throop, my friend Porter, Mr. Alexander Spencer, Judge Elijah Miller, Dr. Smith, and Mr. Hulbert, a prominent member of the bar. We passed a pleasant evening, our friends seeming happy to see us. The next morning, my friend Porter and his sister called and took us to see the state prison. Captain Lyon, who had charge of it, took us all over it and showed us every thing of interest. I made full entries in my diary of every thing we saw, but all are now (1867) acquainted with the Auburn prison. It has ceased to be an object of special interest as it was in 1824, and the entries in my diary are not worth repeating.

At Auburn, I hired a carriage, pair of horses and driver, to take us the rest of our journey. After viewing the prison, we left Auburn for Geneva, where we arrived at sundown. Little did I think then of the scenes, through which in after-life, I have passed in that village, and where I am now (9th of March, 1867), writing these lines.

At Cayuga bridge, on our way to Geneva, I met several paternal relatives. From them I learned that my uncle, Isaac

Foot, my father's youngest brother, was still living in Bainbridge, Chenango County. We dined at Waterloo, where I met several professional friends. On approaching Geneva, we rode on the beach at the foot of the Seneca lake, which gave us a beautiful view of the village.

We left Geneva early on Tuesday morning, the 8th of June, and rode to Canandaigua to dinner. We did not go on the direct road, the turnpike, but turned off to the north, and passed through the towns of Phelps and Manchester, and by the sulphur springs. The country was beautiful and the ride pleasant. I called upon General Philetus Swift, who lived in Phelps, and whom I knew. He was not at home, but I saw him afterwards working on the highway. He was a prominent politician, and had been a member of our state senate eight years, from 1811 to 1818.

At Canandaigua, I found several acquaintances. Among others, a young lawyer, by the name of Misner, whom I had examined on his admission to the bar in 1818, and who had been a partner at Geneva of Mr. Stoddard, a lawyer of considerable distinction. I called on Mr. Howell near the close of the afternoon. He and his daughter returned with me to the hotel to see Mrs. Foot and her sister. We all went home with him, took tea and spent a pleasant evening.

The next day we rode from Canandaigua to Caledonia, and this was rather an eventful day.

Soon after crossing the Genesee river, and while on the flats in the then Indian reservation, and near a village of the Seneca Indians, our carriage sunk into the mud so deeply, as to require several hours of labor to extricate it. I went with the ladies to the Indian village, found a pleasant squaw, left them with her, and returned to assist in getting out the carriage.

The springs, or rather the immense spring at Caledonia, is a great curiosity. I examined it fully. My diary contains a full account of it, and of the probable source of the water, also a notice of some other things in the vicinity, all then new and objects of interest to me.

The next day, we rode through Batavia to Williamsville, a village in the town of Amherst. The Court of Common Pleas was in session at Batavia, and I met there several professional acquaintances, among them, Levi Rumsey, who was a partner with my brother in business at Troy before he removed to Albany. Nothing of special interest occurred this day. My diary only contains some brief observations on the form and character of the country, through which we passed.

We reached the then village of Buffalo early in the forenoon of the next day, and remained there till after dinner. I spent my time in Buffalo, in examining the location of the village, the situation of the harbor and course of the two creeks which form it, the position of the pier, and the course and termination of the Erie canal; also in calling on some acquaintances, and on my relative, Ebenezer F. Norton, and his family. With the latter we passed some time. His daughter called to see the ladies and accompanied us in a ride round the village.

My diary contains a full account of every thing I saw at Buffalo, but that is now (1867) a great, populous city, and known to all.

After dinner we rode down to Black Rock. I viewed the works there connected with the canal, and then crossed the river to Canada, called on the Canadian collector, arranged with him the amount of duty to be paid on the carriage and horses, called on General P. B. Porter, was introduced to Mrs. Porter, and had a pleasant though short visit. The General came down to the river with me to see the ladies. After crossing the Niagara, we rode up to Fort Erie, about two and one-half miles, to take a look at it. The ride from there to the town of Willoughby, where we lodged that night, was beautiful. The road was on the bank of the river and excellent.

I find the following entry in my diary—

At the upper end of Grand Island, the west branch of the river turns circularly northwestwardly. The view from the northwest-side of this circle was charming. The water was calm and all

nature quiet. The sun was near setting. We passed some excellent farms."

The next morning (Saturday, 12th of June), we rode to the Falls, and took lodgings at the hotel kept by Forsyth. The ride was charming, the road being good, and still on the bank of the river. We remained at Forsyth's till after breakfast on Tuesday, the 15th of June. On Sunday, we attended the Episcopal church, and for the first time, heard prayers for the king and royal family. We spent Monday on the American side, and dined at the Eagle Hotel.

My whole time, while at the Falls, was occupied in viewing them from various positions and at various hours, day and night, visiting and examining the grounds, on which the battles were fought in 1814, between us and the English, and other objects of interest in the vicinity. My diary contains a full description of the Falls, rapids, and river, as they appeared at the different positions I occupied—of the solar and lunar iris, of the latter particularly, as it was the most perfectly beautiful object in nature I ever saw—of the battle-fields and other objects of interest.

We met and became acquainted with several intelligent and agreeable persons at the Falls, whose names I have preserved, but will mention only two, as they afterwards contributed in no small degree to the pleasure of our tour. One was Josiah Quincy, Jr., a very pleasant and intelligent young gentleman of Boston, a son of the distinguished gentleman of that name, to whom we were introduced at dinner at the Eagle Hotel by a Mr. Warner, of Boston, whom we first met at Canandaigua, and afterwards at Forsyth's; the other was a young English officer by the name of Vivian.

On leaving Forsyth's, we passed down the river on the Canadian side, stopped opposite the whirlpool, went down the bank to the water, walked around the whirlpool to the gorge, and viewed the whole scene, which was impressive, and is fully described in my diary. On arriving at Queenston Heights, we got out of the carriage, sat down on an old para-

pet, and read General Van Rensselaer's account of the battle there, on the 13th of October, 1813. We walked over the battle-field, saw the place where General Brock was killed, and the location of the monument being erected to his memory. The foundation was laid, and a few feet of the pedestal built. My diary contains the following entry :

"The view from Queenston heights is grand. The Niagara river, Lake Ontario, Lewiston, Queenston, St. Davidstown, Niagara, Fort George, Fort Niagara, the plain on both sides of the river below the steep from the Black Rock and Buffalo level, as far as the eye can reach, are visible. The appearance of the river, as it presents itself from the great chasm, is beautiful. The color of the water is a deep, bright green. The river wheels along in stately eddies until it has gained sufficient room, and then calmly proceeds to the Lake."

We dined at Queenston, and in the afternoon, rode down to Niagara, the site of old Fort George, a flourishing and rather pleasant village, and stayed over night. We found the road good, the land fertile and well cultivated. The ride was consequently agreeable. We walked round and over the fort. It was in a ruinous condition. The body of General Brock is interred in the northwest bastion, but is to be removed to the monument when completed. There were four companies of troops at this station, and the only part of the establishment in good order, was the barracks, and especially the officers' quarters. After viewing the fort, I read the account of the taking of it on the 27th of May, 1813, by General Dearborne and Commodore Chauncy ; and remark in my diary that "It is highly interesting to peruse these accounts on the ground, as one can locate every thing and see its bearings."

The next day, (Wednesday, June 16), directly after breakfast, we crossed the river to our side. We walked from the ferry down to our fort Niagara, entered it, were received by Lieutenant Morris and conducted over it. He pointed out every thing of interest. It is in far better order than any of the forts on the other side of the river. The view from the top of the large mess-house was magnificent. At the south

it is limited by the steep, which bounds the table land next to the lake, but in all other directions, is unlimited. After viewing the fort, we rode to Lewiston, and up the river towards the Falls, to obtain views of them from our side. We enjoyed these views, and my diary contains a full description of them. The view from Lewiston Heights is the same as from Queenston Heights, but surpasses it in one particular, viz. the course of the river to the lake is all the way visible, which is not the case on the other side. I conclude my description of the views of the Falls and river from the American side, with the remark, "I have had more interesting views of the Falls and river to-day, than on any other day."

We returned to Lewiston near the close of the afternoon, but rode on towards Rochester on the ridge-road to Cambria, where we staid over night. Of the ridge-road I say—"It meets my expectations and is a wonder." In this ride an incident occurred which I find entered in my diary as follows—"On the way, we found four or five Indians shooting with bows and arrows at a black squirrel in a high tree. I promised a quarter to the one who brought him down. This made all ambitious. The sport was an interesting sight. They shot remarkably well, and soon brought the squirrel down. I paid the promised reward, and gave a shilling to a boy, who just hit him, but did not bring him down."

We proceeded on the ridge-road from Cambria to Rochester, turning off, however, to Lockport to view the deep cutting through the rocks for the western section of the Erie canal, and the five double locks at that place, to raise the canal on to the table of land on which Buffalo and Black Rock stand. Two of them were nearly completed. Although the road to Lockport, and back to the ridge-road, was the worst I ever traveled over, yet we were fully rewarded by the knowledge we acquired of the interesting and gigantic works in the course of construction for completing our great chain of internal improvement. We lodged at Hartland and again at Parma, and reached Rochester early in the afternoon of Saturday, the 19th of June. There is great sameness in the face



of the country, the whole length of the ridge-road, and nothing special occurred on our ride on it. On the evening of the night we lodged at Parma, I went to hear a Universalist clergyman preach in the school-house. I say in my diary that his sermon "consisted of barefaced sophistry and perversion of the plain meaning of Scripture."

At Rochester, I dismissed our carriage, and sent it back to Auburn, where it was hired. We remained in Rochester till the afternoon of Tuesday, the 22d of June, when we took a steamer for Ogdensburgh. I had a number of friends and acquaintances in Rochester. Our time there was spent in visiting, receiving visits, reading, walking and riding. We looked at every thing interesting in and around Rochester, especially the upper and lower falls of the Genesee river, the immense water power and arrangements for using it, and the principal mills and manufactories. We attended church twice on the Sabbath, forenoon and afternoon. I was interested in both services, and so interested, especially in the forenoon, as to record in my diary some thoughts respecting the Bible presented in the sermon, and then new to me. Several pages in my diary are filled with descriptions of what I saw at Rochester, accounts of the visits we made and received, of the friends we met, and acquaintances made while there.

Mr. Quincy and Lieutenant Vivian joined us at Rochester a few hours before we left. They came on the steamer from the head of the lake, and returned on board with us.

To show how much bitter feeling was excited by our war with England, in 1812, and to what extent it still remained with many of our citizens so late as 1824, I will mention, that in the post-coach, in which we rode from Rochester to Handford's Landing, where the steamer lay, besides ourselves, Quincy and Vivian, was an old man from Pennsylvania, who had commanded a regiment of militia in the war. Lieutenant Vivian wore an undress uniform. As soon as the old colonel found himself in the presence of an English officer, he seemed, as the phrase is, "spoiling for a fight." After a while, he boiled over, and to use another cant phrase, "pitched into"

Vivian, and was grossly insulting. Vivian was too much of a gentleman, to become a party to a quarrel in a public coach, and in the presence of ladies ; but I interposed, and showed the pugnacious old colonel, how unmanly and inhospitable it was, after peace, and on our own soil, to be rude to an open enemy, who had only obeyed orders in fighting us.

The steamer left the landing about 5 o'clock P.M. The sail down the Genesee river to the lake was delightful. The river and the scenery on both sides were beautiful. The afternoon and evening were pleasantly passed on the steamer. Our first landing was at Sacketts Harbor, which we reached the next morning about 10 o'clock, and remained till 11 o'clock the following evening. Dr. Day of the army, and Captain M. T. Wolsey of the navy, were friends of mine, and stationed at the harbor. We had a charming visit there. We dined with our friends, and attended an evening party at the cantonment, where we met several agreeable officers and their ladies. There were a number of objects of interest at the harbor. Among them the frame of the great ship, the building of which was commenced near the close of the late war with England. I looked at them all in company with Dr. Day, and wrote a full account of them and of our visit. My friend, Mr. Moss Kent, joined us here, in accordance with a previous arrangement made before we left Albany.

When I rose the next morning, we were opposite Cape St. Vincent. We passed down the St. Lawrence through the Thousand Islands, and arrived at Ogdensburgh about 1 o'clock P.M. The passage through the islands was beautiful, indeed, all the way to Ogdensburgh.

With the aid of my friend, David C. Judson, we engaged a passage from Ogdensburgh to Montreal, on board a "Durham boat," as it was called, but which was, nothing more nor less, than a large scow, about 50 or 60 feet in length, and 12 or 15 feet in width, with sides about 4 feet high, a mast, and one large sail to go before the wind, a sweep for a rudder and helm, and six or eight oarsmen, with long, stout oars. On the gunnels, were placed wide boards to keep the water out, when

the boat dashed through the rapids, or encountered heavy swells in the river. On this craft, our party, consisting of Messrs. Kent and Quincy, Mrs. Foot, her sister, and myself, left Ogdensburgh about 3 o'clock P.M., on Saturday, the 26th of June.

The two days, we were at Ogdensburgh, were passed by Mrs. Foot, her sister, and myself, with my relatives, at Ogdensburgh, where my sister York resided, and at Black Lake, the residence of my sister Davies.

We arrived at Montreal on Monday morning, about 9 o'clock. We stopped the first night on the Canadian side, opposite our town of Massena, and about one mile below the Longue Sault. The next morning, we stopped at St. Regis and breakfasted there. On Sunday night we reached Chateauguay, on the east side of Lake St. Louis, and lodged there.

In this clumsy craft, we passed through all the rapids of the St. Lawrence river—the Longue Sault, Le Coteau du Lac, Les Cedars, including Split Rock and the Cascades, Lachine and Montreal. Through each of them, the captain took a pilot. When we neared any of them, every oarsman took his oar, and rowed with a will, as we passed through, thus giving the boat headway so that she would obey her helm. Although I wrote a pretty full account of this journey from Ogdensburgh to Montreal, I did not attempt to describe these rapids, or the sensations created by the hazardous passage through them.

A few years since, I passed them again, on an excursion with my daughters, in a strong, quick steamer, which, although propelled by steam and obedient to her helm, rolled and sheered fearfully. I could but recall the Durham boat, and wonder, how we could have ventured to encounter, on such a craft, these raging waters.

At St. Regis we witnessed an interesting ceremony of the Papal church. The Indians, it appeared, were all Romanists, and one of them was near death. The priest made a formal visitation to his dying parishioner, and administered their sacrament of extreme unction. The priest led, and all the

Indians and squaws, in their peculiar costume, followed in procession, with a slow and solemn movement. On arriving at the wigwam, in which lay the sick one, the priest entered, and the Indians and squaws all kneeled around and remained in that posture till the ceremony was over. Their unsophisticated and honest hearts seemed to be earnestly engaged, in giving their departing comrade a safe passage to the land of spirits, and an early deliverance from purgatory.

We passed Monday, Tuesday and Wednesday in Montreal. I had letters to Messrs. S. Sewell and H. Gates. Mr. and Mrs. Ogden, friends of Mr. Kent, called early upon us. We also found Lieutenant Vivian at Montreal. All were attentive to us and rendered our visit to Montreal far pleasanter than we had anticipated. Our time, my own especially, was devoted to visiting the institutions of Montreal, particularly the Roman Catholic establishments. I looked into all their churches, visited all their nunneries and the hospitals attached to them, and inquired into their foundations and present resources. I did the same in regard to their schools and seminaries of learning. My visits and inquiries also extended to other religious establishments, more particularly the Episcopalian. I attended one of their courts of law, and obtained a general view of their judicial system. In a word, I sought and obtained what information I could, in regard to every thing in and about Montreal worthy of observation. The fruits of my visits and inquiries fill thirteen pages of my diary. If any of my children shall wish to learn any thing about Montreal, as it was in 1824, they will find it in some of those pages.

We went on board the steamer for Quebec, at 9½ o'clock on Wednesday evening the 1st of July. We landed there on Friday morning following after a pleasant passage. I have described in my diary the country on each side of the river, and the objects of interest observed on the way down. We remained in Quebec until Thursday evening, the 8th of July. On the afternoon of the 6th, we met our friends Mr. and Mrs. Delavan, of Ballston, and on the evening of that day, our

friends and traveling companions, Messrs. Kent and Quincy, took leave of us and left, Mr. Kent for Plattsburg where we were to meet him again, and Mr. Quincy for home. We parted with mutual regret. Their duties did not allow of a longer stay, and I had not yet completed my survey of Quebec and the vicinity. That city and its surroundings are full of interest. The seven days we passed there were filled with instruction and pleasure. The manner of spending them, the objects seen and examined, and the persons met, are fully stated in my diary.

As a specimen of the diary I kept on this tour, a copy of that kept at Quebec will be found among "Papers Written by me," as No. 3. It will also show the many objects of interest in and around Quebec, which arrested my attention.

We reached Montreal on our return, on Saturday morning the 10th of July. We had a pleasant passage up the river. Nothing of special interest occurred. We stopped at Trois Rivières, and at the town of William Henry. The government has a small establishment at the latter place, which is a pleasant village. The scenery near it is tame, though beautiful. The approach to Montreal was handsome. The principal objects in sight were Longuiel, La Prairie, the island of St. Helena, the little island at the northwest end of it, the Rapids and Montreal. We left Montreal soon after our arrival, in a steamboat for La Prairie, in company with Mr. and Mrs. Delavan. As we passed through the bay of Montreal to La Prairie, we had a beautiful view of the bay and surrounding objects, especially of the Lachine rapids. They had a charming appearance. The contrast between their appearance, and what we had actually found them, as we came through them, was striking. Our boat to La Prairie dashed directly through the Montreal rapids. We made a short stop there, and as I was on the lookout for every thing worth knowing about Canada, I learned from some one, whom I met there, but whose name, if known, has not been preserved, that the Roman priests are entitled to, and have delivered to them one twenty-sixth part of the products of the earth, and an action against

all Papists who omit to deliver it. When a new church is necessary, the bishop gives an order for its erection on the petition of a majority of the parish, and a tax is laid to meet the expense. We, and Mr. and Mrs. Delavan took a carriage together for St. Johns. We reached Chambly late in the afternoon and staid over night, and the next (Sunday) morning rode to St. Johns, where we passed the day, but found no Protestant church. The bay of Chambly is a beautiful expanse of water. On the opposite side of the Chambly river lies the mountain of Belœil. Its outlines are bold, it stands alone, and is the only mountain in all that region. Our ride from La Prairie was over a perfectly level country.

On Monday morning, the 12th of July, we took a steam-boat at St. Johns through Lake Champlain to White Hall. Our friend, Mr. Kent, came on board at Plattsburgh, and left at Basin Harbor at about 11 o'clock that night. He introduced me to Mr. John Hone, Jr., of New York, who was on board the boat with his family. The next morning our families became acquainted. We all, Mr. and Mrs. Delavan, Mr. Hone and his family, and ourselves, went from White Hall to Sandy Hill in a canal boat. We had a pleasant passage through Lake Champlain, and from White Hall to Sandy Hill. At this place we staid over night. The next (Wednesday) morning, Mr. and Mrs. Delavan left us for Saratoga. Mr. Hone and his family in his carriage, and we in one we hired, rode down to Fort Edward, up to the great dam, examined it and the mills adjacent, then through the village, and looked at the ruins of the old fort. As we returned, we stopped on the hill north of the village, and viewed the tree and spring where Miss McCrea was murdered. We stopped at Glens Falls and spent an hour looking at them. They are beautiful. I wrote a full description of them in my diary. From there we rode to Lake George, where we arrived about 3 o'clock P.M. I spent the evening playing chess with an English officer, who belonged to the corps of engineers. He told me, that a son of General Burgoyne, and a son of the traitor, Arnold, belonged to the same corps; the former a colonel, and the latter

a lieutenant-colonel. Thursday, till 3 o'clock P.M., was passed delightfully on the lake. Mr. Hone and family were with us. After our return, Sarah and I took a ride on horseback to Bloody Pond. The next day, after breakfast, Mr. Hone and his family and ourselves left for Saratoga. We stopped and looked again at Glens Falls. They appeared to better advantage than when we examined them before, as the sun shone fully on them. We had a charming ride this day. We stopped at my friend Chancellor, then Judge Walworth's. We left the next (Saturday) morning for home, where we arrived near the close of the afternoon. We stopped at Ballston Spa and made a short visit to my niece, Mrs. Booth, her husband and family. We found all right at home.

A couple of letters from Mrs. Foot to her parents ; one from Niagara Falls, dated the 12th of June, and the other from Quebec, dated the 6th of July, will give outlines of our tour, and show her qualities of head and heart. They will be found added to my "Diary at Quebec" which is No. 3 of "Papers Written by me."

In my diary, under date of "Sunday morning, July 18," being the morning after we reached home, is the following entry—

"Our prayer has been answered, and we are home in safety. Heavenly Parent, accept our thanks, our poor but sincere thanks for this eminent exertion of thy protecting kindness."

The residue of this year was passed in Albany, except the first three weeks in August, which were passed at Utica, attending the Supreme Court. Mrs. Foot accompanied me as far as Johnstown, where she made a visit to our friends, Mr. and Mrs. Cady, also a visit of a few days to our friends, Mr. and Mrs. Simeon Ford, at Herkimer. My time at Utica was spent usefully in court, and very agreeably out of it in society.

1823.

The following entry is in my diary, under date of the 1st of January, of this year—

“Thus my year has closed. I will not comment on the manner in which I have passed it. Oh, Heavenly Parent, may I find myself in life and health at the end of the present new year, a better man—a more devoted Christian.”

This year, like the last, was principally devoted to my profession, social duties, and general reading, but differed from it in two particulars. I paid more attention this year to public interests, and classical studies.

On the 12th of January, I drew a memorial to our legislature in favor of improving the “Navigation of the Hudson River.” It is No. 4 of “Papers Written by me.” This memorial was published in the Albany Argus, on the 18th of January, preceded by a short article written by me. That article is No. 5 of “Papers Written by me.” On the 26th of that month, I appeared before the joint committee of the legislature on canals, and advocated a project for improving the navigation of the Hudson below Albany.

There was an effort made by my friends in the legislature, in the month of March this year, to remove the then incumbent, and appoint me attorney-general of this state, but it did not quite succeed, and it was probably fortunate for me that it did not, as it would have drawn me fully into the vortex of party politics, and retarded my progress in more elevating pursuits.

Our Erie canal was completed early in the autumn of this year, and its completion was celebrated in Albany on the 2d of November. I was on the committee of arrangements, and took an active part in the celebration. In the month of December I was engaged with others in an effort to establish an orphan asylum in Albany, and wrote one or more articles for the public journals in favor of the measure, but have not preserved them.



On the 30th October of this year, I formed and recorded in my diary a resolution in the following words—"I resolve to become familiar with the Greek, Latin, French and Spanish languages."

In execution of this resolution, I read the Greek Testament every Sunday, Horace or some other Latin author every morning, employed a French teacher, and studied, recited and conversed in French every evening not otherwise necessarily occupied, during the rest of this year. I was in earnest and made fair progress in these languages. I purchased some books for studying the Spanish language, but had no teacher and made little or no progress. I found, moreover, that a good knowledge of French and Latin would enable me, in a very short time, to master the Spanish.

On the 20th of this month I had removed my library from my office to my house, and thus enabled myself to save scraps of time, and prosecute to greater advantage my professional and other studies; and to the same end, on the 1st of November, the articles of copartnership between Mr. Edwards and me were altered, so as to give him a larger share of the business, cast upon him more duties and less on me, and thus give me more time for the pursuits mentioned.

Nearly the whole of this year was passed in Albany. I was absent only on three occasions. The month of June and the first week in July were passed in New York, attending the Court of Chancery, in which I argued several causes. Mrs. Foot was with me. We had rooms at Mrs. Mann's, in Broadway. She kept one of the best, if not the very best, boarding-house at that time in the city. My friend, Mr. Cady, and his daughter, Tryphena, were in the city with us, and at the same house. We had a considerable number of friends in the city of high social position. Among them were Chancellor Kent and his family, and Cadwallader D. Colden and his family. Our time socially was passed most agreeably. Beside attention from friends, we made several new and valuable acquaintances. The first two weeks in August were passed at Utica, attending the Supreme Court.

Mrs. Foot was with me there, also. We passed our time pleasantly. Our friends were kind and attentive to us. Mrs. Foot and I spent a few days in October at West Point, where we went to attend the wedding of my nephew, Professor Charles Davies, which occurred on the 11th day of that month.

One incident occurred this year in social intercourse worth mentioning. Mrs. Foot and I attended a party in Albany, given by Mr. and Mrs. Francis Bloodgood, on the 26th of March, and we met there and were introduced to Captain Franklin and his party on their way to the North. This was, I think, his first expedition to the northern regions of this continent. He, and a large party with him, as we all know, were lost in a subsequent expedition many years afterwards, and the world has been filled with accounts of expeditions in search of him.

As this year opened upon me, my duties and obligations as a man, citizen, and Christian, pressed me more strongly than theretofore. I realized more fully than ever before the relations in which I stood to my God, my country, and my fellow-men, and the duties and obligations resulting from those relations. The last clause of my prayer uttered and recorded on the first day of the year, that the end of it might find me "a better man—a more devoted Christian," was uttered in all sincerity and earnestness, and my diary shows continued and persevering effort during the year to waste no time—to spend the Sabbath aright—and live a Christian life.

Finding early in this year, that my property, under the moderate investment of fifteen hundred dollars a year, had already amounted to considerable, and would, with a like investment and the accumulations, before many years, reach quite a large sum, I considered it my duty to make a will, which should confer some benefit on some portion of the human family. Accordingly I made one on the 16th of January. After making provision for Mrs. Foot during her life, and giving a small legacy to each of my five sisters and my

niece, Lucretia Booth, the daughter of my brother Ebenezer, I gave my property to Union College,

“Upon the following trusts and for the following uses and purposes—*First*, That the trustees of the college invest and keep it invested in stock, or good securities, separate and distinct from the other funds of the college. *Second*, That the annual proceeds and interest thereof be applied towards the support and education at that college of indigent young men, (by the words “*indigent young men*,” I mean those, who have not, in a discreet use of their own, or parents’ means, ability to educate themselves in whole or in part—or be educated by parents or guardians), of the age of sixteen years, of promising talents and good habits—which young men shall, from time to time, be selected and designated by the faculty of said college, which designation, being in writing and signed by the President, and delivered to the person designated, shall be conclusive—*provided, however*, that in all such designations, the lineal descendants of my said five sisters and niece, having the requisite qualifications and being applicants, shall be preferred. The said faculty shall have a right, and the same is hereby vested in them, to give to such young men, at the close of their collegiate course, as shall have made good use of my bounty, such sum of money as they shall deem proper—the sum thus given to any one young man, shall not, however, exceed one half of the amount, which shall have been applied under this will towards his support and education.”

On Monday, the 18th of April, I wrote, as usual, an account of the manner in which I had spent the previous Sabbath. It showed, that my thoughts had been unduly occupied with worldly topics, though I had tried, but in vain, to direct them to heavenly ones. At the end of this account are the following words—“Oh! when shall I be able to break these cords, which bind me so closely to the earth? or when shall power be given me to do it? Thou only, Heavenly Parent, knowest.”

Sunday, the 23d of October, appears to have been a marked day in my religious progress. On that day, for the

first time, I knelt at prayer. The entry in my diary, the next Monday morning is as follows—

“In the morning in my library at my house, I prayed on my knees for the first time in my life, having then for the first felt an inclination to pray in that posture. I used that posture again this morning, and this morning was the first time in my life, that I approached my devotions with positive feelings of pleasure, and felt an eagerness to engage in them.”

1826.

This year was commenced with the commitment of myself and my earthly and spiritual interests to God, a record of which was made in my diary, under date of the 1st January, in the following words—

“I commit myself to my Heavenly Father during the present year, and pray that he will preserve me and mine in health and life, advance me in the world, and extend the sphere of my usefulness; but, above all, that He will purify my heart, and adopt me as an heir of his spiritual and holy kingdom.”

My time this year was mainly occupied in my profession, social duties, classical studies and general reading. My profession, however, was more exacting, and required a much larger portion of my time than it had for a year or two before. I endeavored to devote my mornings to Latin, and my evenings and a portion of my afternoons to French; but my profession, especially in the months of February, March and April, interfered materially with these studies; and occasionally during these months, my week's work was so exhausting, as even to deprive me of my usual reading in the Greek Testament on the Sabbath. Still, notwithstanding this professional pressure, I gave some attention to public objects, wrote one or two articles in January for the papers to promote the establishment of an orphan asylum, and on the evening of the 20th of February attended a public meeting held for that purpose.

My professional labor, efforts, and studies, during the months mentioned, had been so constant and severe, that at the end of April, my health required respite and recreation. My father-in-law, Mr. Fowler, having a light, pleasant carriage which he did not use, offered it to me and his daughter. We accepted it, and on the 3d of May I bought a pair of horses. With this establishment, Mrs. Foot and I determined upon a tour by land from Albany to Boston, by the way of New York, the Sound, New Haven, Newport and Providence, and from Boston, across the country, through Northampton and Pittsfield, home. Accordingly, we left Albany for New York on the east side of the Hudson river, on Monday, the 22d of May, at 3 o'clock P.M. We rode that afternoon to Kinderhook, where we staid over night. The next day we dined at Hudson, and lodged the following night at Rhinebeck. We dined late the next day at Poughkeepsie, and staid the following night at Fishkill. We stopped a few hours the next morning at Peekskill and lodged at night near Dobbs Ferry, and reached New York the next day (Friday, the 26th of May) about noon. The journey was delightful. At almost every stopping-place we had friends and acquaintances, to whom we made short visits, and some of whom, as opportunity offered, visited us. James Vanderpool, afterwards an eminent judge, called on us at Kinderhook. My friend, Ambrose L. Jordan, afterwards attorney-general and state senator, called and spent some time with us at Hudson. At Hyde Park, I called to pay my respects to Benjamin Allen, LL.D., who was professor of mathematics at Union College while I was there, and who won my heart, and stimulated my ambition, by a few words spoken at a recitation. He called me up in order to demonstrate a proposition. I went to the black-board, drew the figure, returned to my place, and either from absence of mind, or thoughtlessness, (for I always knew my mathematical lessons), I blundered for an instant, but soon gathered myself, and went through correctly, but was excited and somewhat mortified. The good professor, observing this, (he was a large, good-looking man, had a noble presence and

dignified manners), said, in a clear, manly voice, "Foot, Homer sometimes nodded." At Poughkeepsie we had a pleasant visit of an hour with Mr. and Mrs. General James Talmadge, and at Sing Sing took tea with General, then Colonel, Aaron Ward. My diary contains full descriptions of the towns and country through which we passed in this journey on the east bank of the Hudson, but all are now (1866) greatly changed. If, however, any of my children should wish to see how they appeared at that time, they can refer to my descriptions of them.

Professional business detained me in the city several days. We lodged, while there, at Mrs. Mann's, in Broadway, where we met several acquaintances. Our stay in the city continued till the afternoon of Tuesday, the 30th of May. While there, several of our friends called on us and we visited a good deal. We spent the Sabbath by attending the South Dutch Church, in Garden street, in the forenoon, where we heard Dr. Mathews, then in the zenith of his ministerial career, and St. John's Church, with my friend James Smith, in the afternoon. We went to the opera on Saturday evening. It was the first one I ever attended. My children will see what I thought of it, at this, my first acquaintance. My entry is in these words—"The opera is a foolish kind of entertainment. Conversation in music, however good, is unnatural. The composer can display talent by suiting his music to the thought and action."

The afternoon we left New York, we rode to East Chester, to the residence of Mr. Philemon H. Fowler, an uncle of Mrs. Foot, where we staid over night, and left the next morning after breakfast. We kept along the Sound to New Haven, dined at Sawpit, lodged at Saugatuck, and arrived at New Haven the next day (Thursday) about 1 o'clock P.M. This ride from East Chester to New Haven was delightful. The Sound was in sight most of the way. We passed through a series of beautiful towns—Rye, Stamford, Norwalk, Saugatuck, Green Farms, Fairfield, Bridgeport, Stratford and Milford. The road was good, the land generally well cultivated, and the views charming.

We remained at New Haven till 4 o'clock P.M., the next day, when we left for Middletown. We had some friends at New Haven whom we hoped to see, particularly Professor Silliman, but he was not at home. We found my relative there, Samuel A. Foot, of Cheshire.\* The legislature were in session, and he was the speaker of the lower house, and Senator elect to Congress. He called to see me, and he and I had a pleasant chat together.

Mrs. Foot and I walked and rode all over New Haven, then, as now (1867), a beautiful town. We did not reach Middletown till after 8 o'clock P.M. The ride from New Haven there presented nothing of interest. We passed through only a couple of towns, Northford and Durham. The latter was on high ground and pleasantly situated. We left Middletown after breakfast, and after looking at the seminary, and riding through the principal streets. It is a handsome place. We then went to Haddam to dinner. From Haddam we rode on the bank of the Connecticut river to Essex, where we crossed it and went to Lyme, which we reached on Saturday evening, and where we passed the Sabbath. The ride from Haddam was delightful. The river was in sight all the way, and the views beautiful. I attended church in the forenoon. We found Lyme a retired, pleasant town. We left it on Monday morning after breakfast, and went to New London, and from there to Charlestown, in Rhode Island, where we staid over night. We took the road nearest to the ocean, which was in sight most of the day. The next day, we rode from Charlestown to Newport. We reached the ferry opposite the latter place at noon. We crossed Narragansett bay by two ferries. One from the mainland to Conanicut island, across which we rode, and the other from that island to Newport. The country through which we passed from Lyme to the ferry was stony and sterile, and in the state of Rhode Island, destitute of timber. Newport was then a very different place from what it is now (1867). I described it as follows—

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\* His middle name is *Augustus*, while mine is *Alfred*.

"Soon after our arrival we took a long walk through the town and went into the cupola of the court-house. We there had a full and clear view of the harbor. It is spacious and beautiful. The town appears like a deserted village, or rather one which soon will be deserted. Almost all the buildings are of wood. The village appears to have grown up suddenly, and all the buildings temporary. Business has left the place."

We left Newport Wednesday forenoon, and rode to the upper end of the island of Rhode Island. This ride was beautiful. The bay was in sight all the way, the road good, and the land highly cultivated. We stopped awhile and fished, and then crossed on the ferry to Bristol, where we dined. Bristol was then a handsome town. In the afternoon, we rode to Providence, where we lodged. The next morning, we rode over the city, looked at the College for Friends, Brown's University with its two colleges, Brown Hall and Hope College, and several other objects of interest, and then proceeded to Dedham, where we staid over night, and the next morning rode to Boston. We spent five days in that city delightfully. Our friend and traveling companion in 1824, Josiah Quincy, Jr., devoted almost his whole time to us. His father, and his father's family were very kind and attentive to us. We visited them and they visited us often. My friend Harmanus Bleecker, of Albany, gave me a letter to Mr. Nathan Appleton, of Boston, which I presented. He and his brother William and their families were also attentive to us. We attended a small party at Mr. N. Appleton's, and met there several interesting gentlemen and ladies. Our friends gave us several rides in the environs of Boston, which were beautiful. On these rides we visited Cambridge, looked over the College, were introduced to Professors Farrar and Webster, looked at the library, the mineralogical specimens, viewed the botanical garden, and Bunker and Breed's hills.

On Tuesday morning, the 13th of June, Mr. Quincy and I went to the town of Quincy and paid our respects to ex-President John Adams. He appeared in good health and in possession of all his mental faculties. He received us cordial-



ly, conversed pleasantly, spoke of his advanced age, and repeated paragraph after paragraph from Cicero's *De Senectute*.<sup>\*</sup> This visit was the crowning gratification of my journey to Boston. After our return from Quincy, Mrs. Foot and I called and took leave of the elder Quincy and his family, and left Boston at 4 o'clock P.M. We rode to Farmington, where we staid over night. The next forenoon we passed through the beautiful town of Worcester, and dined at Leicester. From there we rode in the afternoon to Ware Village, where we lodged, passing through the towns of Spencer, East and West Brookfield. The next day (Thursday) we drove in the forenoon to Hadley, and spent the afternoon in a ride and walk to Mount Holyoke and crossing the river to Northampton, where we staid for the night. We left Northampton early the next morning, dined at Worthington, reached Pittsfield at night, and lodged there. We started early the next morning (Saturday, June 18th), took the road which carried us by the Shaker village, where we made a short stop. We arrived at home at 2 o'clock P.M.

My diary contains brief notices of the towns and country through which we passed in this journey from Boston. My account of our tour closes with the remark, that we reached home "in health and safety, for which I thank my Heavenly Father, who is always kind and merciful."

Refreshed and invigorated by this tour, I resumed my profession and studies with earnestness, but was considerably interrupted in the latter part of June and fore part of July by more than usual attention to social duties. We had a succession of visits from relatives and friends, who lodged with us. Our house was filled for weeks.

Mrs. Foot had never enjoyed perfect health since the birth of our child. In the hope that the chalybeate waters of Ballston Spa would be of service to her, I accompanied her and her sister there on Saturday, the 15th of July, and took rooms for them at the Sans Souci. They remained there till

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\* He died on the 4th of July following.

the 21st of August following. I went up generally on Saturday and returned early on Monday morning. We usually attended church at Ballston Centre.

The Court for the Correction of Errors held a session this year in the month of September in the city of New York. I attended it there from the 8th to the 20th of that month. Mrs. Foot was with me most of the time. We had our usual social enjoyments while in the city in visiting and receiving visits from our friends.

After my return from the city, I was able to pay more attention to French than for some time past. Towards the close of the previous year, I had subscribed for a French periodical called the "Revue Encyclopedique," published monthly at Paris, and which I read with interest. In the number for May was an article relating to a canal project in this country, which I translated, and sent the translation to the Albany Daily Advertiser for publication, preceding it by a favorable notice of the Review which I wrote and signed A. B. The notice and translation were published on the 4th of October, and is No. 6 of "Papers Written by me."

Professional engagements took me again to New York. I spent the first five days of November there, and nearly all my time was occupied in business at the City Hall. While reading this month my French periodical, I met in the July number with a complimentary notice of a letter written by Alexander Johnson, Chief Justice of the island of Ceylon, dated London, 26 May, 1825, giving an account of the introduction of the trial by jury into that English colony, and which having been translated into French, was published in full in that number of the Revue. I translated the letter and the notice of it into English, and handed the translation to my neighbor and friend, Solomon Southwick, then the editor of the National Observer, for publication, and with it, a short article, which I wrote, and signed A. B., to precede the translation. They were published in the Observer early in December. The article and translation are No. 7 of "Papers Written by me." In December, 1827, I met with the letter of Chief Justice

Johnson in the first number of the *Jurist*, published in London, March 1827. On comparing it with my translation, I was surprised to see, how little change it had suffered in two translations.

On the 4th of December of this year (1826), I made the following entry in my diary—

“My habit of sleeping six hours is so well established that no effort is necessary to limit my sleep to that time. I shall not hereafter make a memorandum of the time spent in sleeping, unless I vary from my usual time.” \* \* \* I have not for a long time mentioned how I have spent my time before breakfast. I do not know how I have fallen into this omission. To let me see in old age, if I am spared to that time (as by the goodness of God I am), that since I determined on an amendment of life, I have kept my promise to myself, I now state, that for at least a year while at home, my mornings have been passed generally in writing my diary, devotions, and reading Latin. Hereafter I shall mention the morning as part of the day and note the manner of spending it.”

Having an important ejectment cause to try at the Otsego Circuit, and my friend, Mr. Moss Kent, having spent the early years of his manhood, and having several intimate friends at Cooperstown, the shire town of that county, we left Albany in my carriage on Friday afternoon the 15th of December for that place, and spent the following week there. Mr. Kent passed his time with his friends, and I mine mainly in court. Yet I found time to read a second time Cooper's *Pioneers*, at this, the scene of his story, and to visit on several evenings, and dine with Mr. Kent's friends. I made several interesting acquaintances, and spent the week agreeably. My diary contains names and details. Mr. Kent, as usual, was instructive and entertaining.

This is the last incident of my year, 1826, to be mentioned.

1827.

This year was commenced under the influence of feelings, which are shown by the following entry in my diary—"This day begins the new year, and I thank my God for his manifold mercies during that which has passed. The possessions of this world are emphatically vanities. I felt it to be so yesterday, when I rode to church for the first time in my life in my own sleigh."\*

I continued this year to devote my time to my profession, classical studies, general reading and social duties. Politics, however, occupied more of my time and thoughts than theretofore. A violent opposition, which I regarded as unjust, was raised against the administration of John Quincy Adams by the open and covert supporters of General Jackson. The party in this state, which began with the name of "Bucktail," now (January, 1827) assumed the name and claimed to be the Democratic Republican party. Martin Van Buren had been active and efficient in creating it, and was acknowledged to be the leader of it. Although neither he, nor the Republican party had openly taken ground in favor of General Jackson as the next President, yet it was known by those acquainted with the political undercurrents of the state, that Mr. Van Buren and his friends intended, when they thought the politic time had arrived, to come out openly against Mr. Adams, and in favor of General Jackson. Mr. Clinton, and such of his friends as he could carry with him, had already indicated their intention to support General Jackson. There were, however, in the Republican party, many friends of Mr. Adams and his administration, yet they were a minority, and in a Republican caucus to nominate a Senator to Congress in the place of Mr. Van Buren, whose term expired on the 4th of March then next, would not be able to defeat Mr. Van Buren, who was a candidate for re-election. General Stephen Van Rensselaer was nominated by the avowed friends of Mr.

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\* I had purchased a good sleigh at the beginning of this winter.

Adams. Long before this (January, 1827), my intention not to go with Mr. Clinton into the Jackson ranks, had been openly avowed ; so, too, my disapproval and opposition to Mr. Van Buren's political programme and methods of party management were well known. Under these circumstances I could do little or nothing openly to defeat his re-election to the Senate of the United States. It occurred to me, however, that I might, as one of their number, present considerations to the minds of those Republicans, who wished well to Mr. Adams and his administration, which would induce them to oppose Mr. Van Buren's re-election. Under these circumstances and with these views, I wrote in the latter part of January and caused to be printed confidentially, the pamphlet which is No. 8 of "Papers Written by me." A copy was laid on the desk of each member of the legislature a few days before the election of a Senator to Congress, which occurred on the 6th of February. It created quite a sensation, and seriously alarmed Mr. Van Buren and his supporters. Great efforts were made to find out the author, and the office where it was printed, but without success ; for I had designedly employed an obscure printer, who faithfully kept my secret.

I mention this incident, not to commend it as worthy of imitation, but to show my children how I wrote, and how portions of my time were employed. The motive was a good one, and the object meritorious.

My profession again this year, during the months of January, February, March and April, required almost all my time, and to such an extent, as to interfere considerably with my Latin in the morning, and especially my French in the afternoon and evening. Feeling again the need of recreation, Mrs. Foot and I determined to spend a couple of weeks in a ride and visit to my relatives in Connecticut. We left Albany with our own carriage and horses, on Friday morning the 20th of April, rode that day to Sheffield, Mass., and the next day to Watertown, Conn., to the old homestead then owned and occupied by my brother and sister Scovill. After spending a week with them, resting, lounging, walking over the old farm,

riding on horseback, visiting and receiving visits, we took my sister Scovill with us, and spent a few days in a ride to Waterbury, Middletown, Hartford, Farmington and back to Watertown. We passed a couple of days more there, then came home, where we arrived on the 3d of May. We had a pleasant journey and visit. I came back, and resumed my usual occupations with renewed energy.

Performing devotions and writing my diary in the morning before breakfast became a settled duty and practice with me. After mentioning this fact in my diary, under the date of the 8th of May, I made the following entry—"It will, therefore, be unnecessary to mention those two things, as they may be considered as done every morning, unless the contrary is stated." To the discharge of these two duties in the morning, I have steadily adhered from that day to the present (3d of April, 1867), and shall adhere to them, as long as a gracious God will enable me to do so. Many years since I commenced reading a portion of Scripture in the morning, and have read Scott's Bible through with all his "Notes" and "Practical Observations," and am now (April, 1867) reading Henry's Exposition and am nearly through the second volume. It is my intention to continue this reading as long as life lasts.

In the month of May, an atrocious murder was committed in Albany upon a gentleman by the name of Whipple, by a hired man in the family by the name of Strang, through the instigation and procurement of the wife of Whipple.

Mrs. Whipple and Strang were indicted for the murder. I was employed by the Board of Supervisors of Albany County to aid the District Attorney in conducting the trials. They excited great interest, as Mr. Whipple was a respectable man, and his wife connected with some of the most estimable and respectable families of Albany.

Strang was tried first. His trial was commenced on the 25th of July, and terminated in his conviction on the 27th. He confessed his crime, and the only serious question in his case was, whether his confession was admissible in evidence. He was defended by Thomas J. Oakley, of Poughkeepsie, one

of the ablest lawyers in this state. He objected to the testimony offered of Strang's confession, and argued the question with great ability and learning. I answered him. The trial was published in pamphlet form. My argument in answer as given in that pamphlet is No. 9 of "Papers Written by me." My argument prevailed, and the court admitted the testimony.

The trial of Mrs. Whipple was commenced on the 30th of July, and resulted in her acquittal on the 2d of August. She was defended by Abraham Van Vechten, of Albany, and Elisha Williams, of Hudson, two highly distinguished members of our bar. There was only one important question in her case—that arose on the admissibility of Strang as a witness for the prosecution. This question was fully argued on both sides, but the arguments have not been preserved. The court decided against the admissibility of Strang. Mrs. Whipple had so adroitly managed her agency in the crime, that without Strang's testimony there was not evidence sufficient to convict her.

The excitement and responsibility, connected with these two trials, determined me never again to take a part in a trial involving life and death ; and I never have.

Professional engagements in the Supreme Court took me to Utica to attend the August term of that court. I arrived there on the evening of the 4th and remained till the 18th of that month. My time in court was usefully and profitably employed, and out of court pleasantly spent in social intercourse as theretofore at Utica. Mrs. Foot joined me on the 16th and on the 18th we left Utica for Black Lake and Ogdensburgh to visit my sisters Davies and York. We went by stage, stopped at Rossie at the head of Black Lake, took a canoe, and were rowed down the lake to the residence of my brother and sister Davies. The passage down the lake was delightful. We spent a week very agreeably with our relatives at the Lake and Ogdensburgh. We arrived at home on Tuesday the 28th of August.

Having attained about all, professionally and socially, which lay within the lines of my personal horizon at Albany,

my thoughts began to range round for other and wider fields of effort, and my restless and unsatisfied spirit to long for new objects of pursuit. On the 28th of September, for the first time, my removal to the city of New York was the subject of conversation between Mrs. Foot, my nephew and partner, Mr. Edwards, and myself. The next day, Mrs. Foot and I talked of a voyage to Europe the coming spring, spending a year or two there, then returning and settling in New York.

On Monday, the 1st of October we went down to West Point to visit my nephew, Professor Charles Davies, his wife, her parents, Colonel and Mrs. Mansfield, and other acquaintances. We spent a couple of days there very pleasantly. On this occasion I became acquainted with General Winfield Scott. We played several games of chess together. As we often met afterwards, played chess together a great deal, and spent a large amount of time in each other's society, I will mention this commencement of our acquaintance.

From West Point, Mrs. Foot and I went to New York. We spent only a day there. My object in going was to see some friends respecting a removal to the city. We came home in a day-boat. The passage up the river was delightful. The day was pleasant, the autumnal foliage and scenery magnificent. We met also several agreeable acquaintances on board. The day after our return, Mrs. Foot and I renewed the subject of a tour to Europe, and about concluded to make it in company with our friend, Mr. Moss Kent, who had kindly proposed to join us in it.

As time passed, the political contest between General Jackson and his supporters on the one side, and Mr. Adams and his supporters, among whom Mr. Clay was pre-eminent, on the other, increased in earnestness. Towards the close of October, the supporters of Mr. Adams determined to hold a public meeting at Albany to sustain his administration, promote his re-election, and declare the principles by which they were governed. This meeting was held at the capitol on the evening of the 30th of October, and a series of resolutions adopted. Most of these resolutions were drawn by



me, the others by Mr. Jabez D. Hammond. They were perfected by us together. I took an active part in getting up the meeting, and making arrangements for holding it.

Another measure was undertaken by the supporters of Mr. Adams and friends of Mr. Clay in the following month of November and continued into December, and that was to establish at Albany an able paper to advocate and sustain their principles. In this I also took an active part, and to promote it had an extensive correspondence with friends in different parts of the state.

The subject of a protective tariff engaged public attention this year. As the time for the meeting of Congress (first Monday of December) drew near, increased interest was felt in this measure. Mr. Clay was a leading advocate of it. I took a deep interest in it, had frequent conversations respecting it with prominent manufacturers, who were my clients and friends, conspicuous among whom were Benjamin Knowler, Elisha Dorr and Mr. Fowler, my father-in-law.

Another matter also engaged my attention early in December, and that was the appointment of my friend David C. Judson collector of the port of Oswegatchie. I wrote a number of letters to members of Congress and others to accomplish it.

An important suit, which I was conducting for some gentlemen in Albany (one of whom, by the by, was one of those who imprisoned me in 1814), was to be argued before the Supreme Court of the United States at Washington, in January then next. My clients, especially the one just alluded to, wished me to go to Washington and argue it.

Having in view the project of removing to New York, Mrs. Foot and I left home, on our way to Washington, on the 13th of December, intending to stop in New York, pass some time there, and come to a conclusion in regard to our removal to that city. We took lodgings at the American hotel. In my diary of the 18th of December is this entry—"Yesterday forenoon I formed a final resolution to remove to this city. I commit myself to my Heavenly Father and invoke his bless-

ing on my undertaking." This resolution was formed on my birthday, the day on which I became thirty-seven years of age. It carried with it a postponement of our contemplated tour to Europe the next spring.

The idea had been suggested at Albany in my intercourse with my friend, Moss Kent, that if I removed to New York, it would be pleasant to us all, for me to form a partnership with his nephew and my former clerk, William Kent. Accordingly, as soon as my resolution was formed to remove to the city, and on the evening of the same day, I had a conversation with Chancellor Kent in reference to a connection in business with his son. The next day, I submitted to William proposals in writing for a partnership, to commence on the 1st day of May then next, and addressed to him the following note, which I insert, that my children may see my mode of accomplishing objects.

"MY DEAR SIR—

"Your father has probably informed you of the conversation I had with him last evening, and particularly of my determination to remove to this city in the Spring. Having resolved after long debate, I must now be prompt in execution, and have consequently sent directions to Mr. Edwards for a sale of my real property in Albany. It will fetch now a good price. Enclosed is my proposal to you, which you may entirely reject, or offer to modify without creating any unkindness on my part. Please to give me as early an answer as convenient, for I wish to settle on my partner before I go on to Washington. I should have been to your office before this, had not the weather been so terrible. I am going to try to read some to-day, which I have not been able to do these several days, on account of the excitement produced by deeply considering the enterprise which is now resolved on.

"Yours truly,

"SAM'L A. FOOT."

"N. Y., December 18, 1827."

My proposals were regarded by William as liberal and were accepted.

Mrs. Foot and I remained in New York till the 26th of December. We spent our time most agreeably. Our friends

were kind and attentive. Our social advantages and enjoyments were all we could desire.

We left New York for Washington on the 26th of December, at 12 M., in company with Smith Thompson, an associate Justice of the Supreme Court of the United States, and his lady, Mrs. Thompson. Judge Thompson had been a kind friend to me from the commencement of my profession. We accompanied him and Mrs. Thompson, on their invitation. We left New York in a steamboat, which took us to New Brunswick; there we took carriages, and rode to Trenton, where we staid over night. The next morning, after a carriage-ride of seven miles, we took a steamboat for Philadelphia, where we arrived at 10 o'clock A.M. We took a parlor together at the United States Hotel. This journey was very pleasant.

Judge and Mrs. Thompson remained with us in Philadelphia a couple of days, when they left for Washington. This being Mrs. Foot's and my first visit to Philadelphia, and having several agreeable acquaintances there, especially Mr. Robert Ralston, the father of Mrs. Chester, the wife of the Rev. John Chester, our pastor in Albany, and his family, we concluded to remain a few days longer. We staid till the 2d of January, when we continued our journey to Washington. We were very kindly treated while in Philadelphia, and spent our time most agreeably. Besides the enjoyment of refined associations, we visited all the objects of interest in and around Philadelphia. My diary contains full particulars of everything.

My closing remark at the end of the year is as follows:

"Thus ends the year. I have effected but little, and live in hopes that I shall be more useful the next."

1828.

At the commencement of this year, Mrs. Foot and I were in Philadelphia, drawing to a close a most agreeable visit to that city. It appears from my diary, that I was oc-

cupying my spare time in reading Scott's "Life of Napoleon," and his "Chronicles of Canongate." On Wednesday, the 2d of January, we left Philadelphia for Washington. To show the difference between the way and time of getting to Washington then and now (1867), I will state, that we took a steamboat at Philadelphia at 11 o'clock A.M., which carried us to New Castle at 3 o'clock P.M. There we took a stage over to Frenchtown, where we again took a steamboat, which carried us to Baltimore at 3 o'clock A.M. the next morning. From the boat we went to Barnum's hotel, where we staid a couple of days for the purpose of taking a look at the city; but the weather was too bad, and I had such a bad cold, that we remained all the time at the hotel, except an hour or two passed with Mr. H. Niles, the projector and publisher of "Niles' Register."

Before leaving Albany, I engaged to write to Mr. Dorr and Mr. Knower if any thing of interest in regard to the tariff fell under my observation. In my interview with Mr. Niles, I did learn some things of deep interest on that great question, and wrote to Mr. Dorr a letter a copy of which is No. 10 of "Papers Written by me."

We took rooms at Gadsby's hotel in Washington. This was our first visit to that city, and we went there under very favorable circumstances for passing our time usefully and pleasantly. I had a respectable errand, viz: the argument of an important cause in the Supreme Court of the United States. Mrs. Foot became acquainted with Mrs. Adams, the lady of the President, at Ballston Spa in the summer of 1826, and received from her a cordial invitation to visit her, if she ever came to Washington. Judge and Mrs. Thompson, our friends, were there, and wished to make this our first visit to the capital of our country pleasant to us. General Stephen Van Rensselaer was our Representative in Congress from Albany County, and Mrs. Van Rensselaer and their daughter were with him. I was, politically, a supporter of Mr. Adams and his administration. Mr. Jabez D. Hammond of Albany, a prominent politician, supporter and friend of Henry Clay,

then Secretary of State, gave me a warm letter of introduction to him. I had also some other letters of introduction to gentlemen who held high positions, socially and politically, at Washington. Our Senators in Congress were our then late Chancellor, Nathan Sanford, and Martin Van Buren, with each of whom we were well acquainted, and with the former and his family on terms of intimacy. Several Representatives in Congress from our state were my friends, prominent among them was Henry R. Storrs of Oneida County, and Colonel Aaron Ward of Westchester County. My friend, Hermanus Bleecker of Albany, was at Washington, the same time we were. He had been some years before a Representative in Congress and was favorably known at Washington.

Under these circumstances, our visit to Washington was just as pleasant and instructive as it could be. We remained there till Monday the 21st of January, just two weeks and two days. I was admitted to the Bar of the Supreme Court of the United States, and argued my cause in that court, with Mr. Wirt, then Attorney General of the United States, for an opponent. The case, *Dox et al. vs. the Postmaster General*, is reported in 1st Pet. R. 318.

Judge Thompson introduced me to Chief Justice Marshall, and the Associate Justices of the court ; upon each of whom I called, and received their cards in return. Chief Justice Marshall's card was in his own autograph, and I have preserved it with a likeness I have of him. Besides the profound respect entertained for his great learning, powerful and logical mind, and his wonderfully wise and sound development of the constitutional principles of our government, I feel an affectionate and grateful remembrance of his kindness to me. Although accustomed to speak in judicial forums, yet when I rose to commence my argument before that august tribunal, with such an antagonist as William Wirt, I could not but feel abashed, and my utterance indicated it. The Chief Justice observing it, took up his pen, leaned forward as if he wished to hear every word, expected to be greatly instructed, and desired to take a note of every thought. Thus

encouraged and assured, my feelings were soon calmed, and my argument was delivered without further embarrassment.

Most of our time at Washington was occupied in receiving and paying visits, and attending evening and dinner parties. We dined at the White House with the President and Mrs. Adams, and met there a distinguished party, among them several members of the Cabinet and their ladies. We were at the President's several times and always received most kindly. Through the kindness of our friend, Mr. Bleecker, we became early acquainted with Le Chevalier Huygens, the Minister from Holland, and his family. We attended an evening and dinner party given by them. Their dinner party was one of the pleasantest we attended at Washington. I had several interviews with Mr. Clay. We were invited to dine with him and Mrs. Clay, but a previous engagement prevented us.

A full account of the civilities we received—of the distinguished gentlemen and ladies we met—of our visits to the Capitol—the debates to which we listened—the churches we attended—the preachers we heard—and the objects of interest we viewed, would make a small volume. If my children desire to read a fuller account than the one given above, they will find it in my diary.

On our return we stopped a day at Baltimore to view Washington's monument, which we ascended, the Roman Catholic cathedral, the painting in it, and other objects of interest in the Monumental City. We reached New York by the same modes of conveyance we were carried from there; but from New York to Albany we traveled by land, in a stage coach. We arrived in Albany on the 27th of January.

The concluding entry in my diary refers to this winter journey in a stage coach and is as follows: "Nothing extraordinary occurred on the road, unless it be the safety and comfort with which we made so long a journey by land, in the winter, for which I return thanks to the Ruler and Governor of all things."

On reaching home I re-commenced my usual duties. Al-

though my profession required nearly or quite all my time, especially in the months of February, March, and April, yet I could not forbear feeling a deep interest, and taking an active part in the political contest then going on in the country. My visit to Washington had enabled me to become personally acquainted with Mr. Adams and Mr. Clay. My acquaintance with them enhanced my estimate of the character of each. They appeared to be, what I believe they truly were, earnest patriots, striving to promote the best interests of the country. This belief increased my interest in the contest and stimulated me to action in their support. A few days after my return from Washington, I wrote a letter to Mr. Clay, giving him an account of political affairs in this state, which he promptly answered. These letters, mine particularly, were not then suitable for the public eye, but the persons named have all long since gone to their rest, and there can be no objection now (1867) to their publication. As they give a true account of political parties at that time, and show the movements of parties and politicians in regard to the tariff passed on the 19th of May, 1828, which caused the nullification movement in South Carolina in 1832, I will give them in a note to this page.\*

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\*ALBANY, January 20, 1868.

HON. HENRY CLAY.

DEAR SIR:—Mrs. Foot and I arrived in this city on Sunday evening last, after as pleasant a journey from Washington as could have been expected at this season of the year. I have seen many of our political friends, and of course received full accounts from them of the present state of things. Presuming that it would be gratifying to you to receive it as given to me, I have taken the liberty to trouble you with a letter. Our new paper is going rapidly into circulation, more so than its most zealous supporters anticipated. It has been regularly transmitted to you as I am informed. You are consequently able to judge of its usefulness and merits. What has cheered me most is to hear our judicious and most intelligent friends express a confident opinion that, the Jackson party cannot obtain from the Legislature a nomination of President and Vice-President. They moreover confidently assert that so much distrust prevails between the friends of Mr. Clinton and Mr. Van Buren, each fearing

At the meeting held in Albany on the 30th of October, 1827, which I have already mentioned, a committee was ap-

that the other will obtain the lead, that they can agree upon and carry nothing. This may appear very strange to a person unacquainted with our politics, but does not surprise me who am well acquainted with the bitter animosity existing between most of the partisans of those gentlemen. You will remember I mentioned to you a gentleman by the name of Benjamin Knower of this city, the father-in-law of our Comptroller Mr. Marcy, and stated that he was an extensive manufacturer and agriculturist, and that without his aid Mr. Van Buren could not maintain himself in this state six months. Among the earliest things I heard on my return was Mr. Knower's dissatisfaction at the course pursued by the friends of General Jackson at Washington relative to the tariff. Being on friendly terms with him I called to see him last evening, and it gives me pleasure to inform you that, he gave me distinctly to understand that if the friends of Jackson in Congress from this state, Pennsylvania, and Kentucky did not give the nation a tariff, he with his friends (and he named among them several of Mr. Van Buren's most efficient assistants) would not give the General their support, and would break up the system by which it is intended to fasten him on their party. He further informed me that Mr. Van Buren wrote him on the 15th inst. insisting, that the friends of Jackson in Congress from the states mentioned were exerting themselves to obtain a fair tariff; that the statements to the contrary were factious clamours, and that he, Mr. Knower, might rely on it, that if a tariff was not given this session to the nation, it would not be the fault of the friends of Jackson. As you know what Mr. Van Buren and his associates are really doing in this respect at Washington, you can form some idea of what is called "tact" in politics by some people. Besides all this, our friends are animated and encouraged much beyond what I expected to find them, and you know my expectations were not of the most moderate kind. You will perceive that a part of this letter is confidential, and of course take care that it is not used to my injury.

Mrs. Foot joins me in kind greetings to you and Mrs. Clay.

I am, Dear Sir, your friend and servant,

SAM'L A. FOOT.

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WASHINGTON, 2d February 1828.

DEAR SIR:

I was happy to learn by your favor of the 29th inst., that Mrs. Foot and yourself had reached Albany in safety. You were fortunate, in respect to your journey, to have gotten off when you did.

The account you give of political affairs at Albany is very gratifying.



pointed to promote the objects of it, of which I was a member. It appears from my diary, and my correspondence of that period, that I was active and earnest in my efforts to secure the re-election of Mr. Adams. My correspondence on that subject with our members of Congress, and prominent gentlemen, principally of the Bar, in different parts of the state, was quite extensive, and must have occupied considerable of my time.

The object of a protective tariff was not only agitated in Congress, but absorbed public attention in the winter and spring of this year. A committee, of which I was a member,

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Political prospects, all around, have opened brighter with the new year; and, I assure you, we are much cheered with them here. They ought, however, to animate us to fresh, instead of occasioning any relaxation in, patriotic exertion.

A bill has been at last reported on the subject of the tariff. It has been probably framed under an expectation that it would be defeated, in consequence of the number of objects which it embraces, and that the Jackson party would be able to attribute its defeat to the friends of the administration. In that design I hope they will be disappointed. The Southern *politicians* in Congress would prefer the passage of any tariff bill, however extravagant, to the defeat of their Presidential candidate; and would therefore, if they could with safety to themselves at home, allow the proposed bill to be enacted, without any very strenuous opposition. But such is the excitement there, that they will feel bound to make the most vehement resistance to the measure; and I do not see how it is possible for the Jackson party not to divide on that question.

I have seen your new paper, which is regularly sent to me. It appears to be well conducted. Are the friends of the administration organizing themselves? They should constantly bear in mind the necessity of co-operation for success at home, and demonstration for effect abroad as well as within your state. My fears for the issue to New York of the contest will not be entirely quieted until I hear that, the system which prevails on the other side is met by a well-arranged system of concert on ours.

Be pleased to offer my best respects and those of Mrs. Clay to Mrs. Foot, and communicate mine also to Mr. Hammond.

Yours, with great regard,

H. CLAY.

S. A. FOOT, Esq.

was raised in Albany early in February to promote it. Notwithstanding my numerous professional engagements, my feelings were so thoroughly enlisted in establishing what was then generally called, the "American system," that I devoted some portion of my time to it. On the 14th of March, I wrote a short article on the subject, which was published in the "Albany Morning Chronicle," and in No. 11 of "Papers Written by me;" again, two days afterwards, I wrote a longer article on the same subject, which was published in the Chronicle on the 17th of March. It is No. 12 of "Papers Written by me."

During this year, opposition to Freemasonry assumed an important position in the politics of this state. It arose from the deliberate commission of a great crime by persons holding respectable and influential positions in society, and the obstacles, which the secret oaths of Freemasons created, in the administration of justice, and especially in the detection and punishment of the persons engaged in committing the great crime mentioned. At length there came to be not only in this state, but in several other states of the Union, a political party, whose only platform was anti-Masonry, and whose object was, the destruction of Masonry, and as a means to that end, the exclusion of all Masons from office. Believing that the shocking oaths, which the members of the Masonic fraternity took, on entering it, were subversive of good order, impediments in administering justice and enforcing execution of the laws, and also encouraged and even enjoined the commission of murder, I became an anti-Mason, and did what I could to put an end to Masonry in this country.

There was another matter which interested me, occupied my thoughts and some of my time in the month of April, and that was, the promotion of my friend Judge Walworth. There was first a prospect, that the office of Chief Justice of our Supreme Court would become vacant by the appointment of Chief Justice Savage, Treasurer of the United States. In that case I wished to see Judge Walworth occupy the position. This prospect failed. But towards the close of the month, the

office of Chancellor became vacant, by the appointment of Chancellor Jones Chief Justice of the Superior Court of the City of New York. This opened the way for Judge Walworth's appointment as Chancellor, which he obtained. Although we did not belong to the same political party, we were friends. Being in Albany, I was able to keep him advised of movements there—and thus assist him. Our correspondence shows the deep interest I took in his promotion.

My children will naturally inquire, why I took such an interest in the advancement of this gentleman. The answer is found in my gratitude for kindness and friendship bestowed in time of need. In 1818, a professional matter of little moment took me to Plattsburgh, at the time the Circuit Court was in session there. Judge Walworth was then a resident of that village, and in full practice at the bar. He was engaged on one side or the other, in all the important causes tried. Although we had then only a casual acquaintance, he interested himself in my behalf, and procured retainers for me in several important causes, which I aided in trying, and afterwards argued at bar. This was of essential service to me at that time. I did not forget it in our future intercourse, which became intimate and extended to our families.

Amid all these engagements and objects of interest, I was generally able in the morning to read some Latin, almost always the Greek Testament on Sunday, but only seldom French in the afternoon and evening, and sometimes I read French in the morning instead of Latin.

On Sunday, the 13th of April, I completed the reading in Greek of the four Gospels. I always read the Greek Testament slowly, carefully, and critically. In my diary of that day, the fact of completing the reading of the Gospels is mentioned, and there is added the following entry—

“I have a much nearer and clearer view of the character of our Divine Saviour, than I have ever had before.”

My house was sold before I returned from Washington, and on the 22d of April our furniture was sold. On the after-

noon of that day, Mrs. Foot and I left our house, and went to Mr. Fowler's, where we staid till the 1st of May, when we removed to New York. In my diary, written the morning after we left our house, is an entry in the following words—

“I thank thee, my Heavenly Parent, for the many, very many, favors we have received from thee while occupants of our late residence, and invoke thy blessing on our removal and enterprise connected with it, and especially do I thank thee, for the spiritual favors received through the influence of thy Holy Spirit during the same time. Wilt thou, for thy Son's sake, continue to bestow them, till I shall become, in spirit and truth, one of thy children.”

We took a suite of rooms in a first-class boarding-house, kept by Mr. and Mrs. Storer, at No. 61 Broadway, with an arrangement for our meals to be served in our parlor when we desired.

Chancellor Kent, William and I took a suite of rooms for our offices in Cedar Street. William and I occupied two, and the Chancellor one. The Chancellor had no connection with us in business. He confined himself wholly to the business of chamber counsel.

Before removing to the city, I had been tendered, and received assurances from several professional friends, who limited themselves to office business, and employed counsel to conduct their litigations in court, that I should receive retainers in all cases in which they engaged counsel. Among these professional friends, Colonel John Lorimer Graham was prominent. He was then the senior partner of the law firm of J. L. & J. L. Graham, who were conducting a large and lucrative business. These assurances were realized far beyond my expectations. They brought me early to the notice of the bar of the city, and the public generally. My professional engagements as counsel and advocate were thus increased by my removal. But another occurrence cast a volume of professional business upon our firm, quite equal to our ability to attend to. My friend, Judge Walworth, was appointed Chancellor in April,

1828. He came to the city a few days after the middle of May, to hold a term of the Court of Chancery, which commenced on the fourth Monday of that month. He lodged at the same house with us. When out of court we passed a good deal of time together. While he was still in the city, holding the term of his court, the Franklin Bank, a large banking institution, failed. On the application of our firm, he appointed Chancellor Kent receiver. The business of the bank had been so carelessly and improperly managed, that a large amount of litigation necessarily arose in the progress of closing its affairs, all of which the receiver employed our firm to conduct. From that time forward my profession required nearly all my time. Still I read Latin occasionally in the morning, French in the evening, the Greek Testament always on Sunday, and employed my snatches of time, not appropriated to social intercourse and exercise, in general reading.

Chancellor Kent and his family attended the First Presbyterian church of New York, commonly called the "Wall Street church," of which the Rev. William W. Phillips was pastor. The pastor was also a fellow-student of mine in college. Mrs. Foot and I belonged to the same denomination in Albany. These circumstances, together with the convenience of the location, induced us to take a pew in that church. After a few months, Mrs. Foot took her dismissal from the Second Presbyterian church in Albany, and united with that in Wall Street.

On the 31st of July, Mrs. Foot and I left the city for Albany,—she to make a visit to her parents,—and I to go to Utica, to attend the term of the Supreme Court, which commenced there on the first Monday of August; then return, to attend a term of the Court of Chancery, which began there on the fourth Monday of that month, and a session of the Albany Circuit, held there early in September, at each of which I had a number of causes to argue and try. On leaving the city I concluded my diary of that day thus—"We leave this city this morning for Albany, contemplating an absence of several weeks. Will our Heavenly Father take us into his kind keep-

ing, preserve us during our absence, and restore us to our home again in health and safety."

We returned to the city on the 17th of September, and my diary of the day of our return concludes thus—"Mrs. Foot and I have enjoyed good health during our absence. I have been wholly occupied with professional engagements, and to a much greater extent than I expected. My absence has been a prosperous one. For these many blessings and marked manifestations of the good-will and kind care of our Heavenly Father towards us I return my sincere thanks, and humbly entreat Him, through the merits of our dear Redeemer, to forgive our offences and become reconciled unto us."

Professional engagements took me again to Albany on the 19th of October. I stopped at West Point on my way, dined with my nephew, Prof. Charles Davies. Met there his brothers, Henry E. and Thomas A., and my nephew, John F. Lane, also Colonel Thayer, then superintendent of West Point Academy, Prof. Courtney, and others ; spent four hours most agreeably, and then proceeded to Albany, where I was constantly engaged in the argument of causes till the afternoon of the 3d of November, when I returned to the city. Mrs. Foot joined me at Albany and returned with me. Again on the 1st of December Mrs. Foot and I went up to Albany, she to make her parents a short visit, and I to argue a cause in the Court of Chancery. We were absent only a few days.

On the 12th, 13th, 15th, and 16th days of this month (December) I was occupied in the trial of an important cause in the Superior Court. Mr. David B. Ogden, then the leading member of the bar of New York, was my opponent. Our arguments were reported and published in the Courier. Mine was so imperfectly reported, that I prepared a correct sketch of it, sent it to the editors of the Courier and asked, as a matter of justice to me, to have it published. But the reporter, claiming to be heard in vindication of his report, and Mr. Ogden telling me, that he had long since given up all hopes of being correctly reported ; and for years, to avoid being vexed, had not read any newspaper report of his arguments, I with-

drew my request. The corrected and accurate sketch of my argument having been preserved, will be found among "Papers Written by me," as No. 13. It will show how I treated delicate questions arising on the conflict of testimony.

My diary of the 17th day of this month, being my birthday, contains the following entry :

"This day I am 38 years old. I return thanks to my Heavenly Father for the many favors I have received at his hands, and especially for sparing my life and continuing to me strength of body and mind, by which I have been enabled to acquire a comfortable fortune, and obtain considerable distinction in my profession. Do not, O Lord, now abandon me to myself, but continue to exercise over me thy parental care."

As specimens of the manner of keeping my diary, I will copy two days, one an ordinary day, and the other the last day of this year :

"December 18th, Thursday.—Read a few lines in French yesterday morning, also the newspapers. Spent the forenoon till one o'clock at the office, then called to see General James Talmadge, Mr. and Mrs. Hudson, Mr. and Mrs. James McGregor, jr. Mrs. Foot was with me. Passed the afternoon at the office, principally in conversation, and the evening at home and Chancellor Kent's. Read Jacob Barker's pamphlet, and Pelham, while at home. Passed a pleasant hour at Chancellor Kent's. Mrs. Foot was with me."

"1829, January 1.—Read French and the newspaper yesterday morning. Spent the forenoon at the office in business and reading law, the afternoon at home reading Russell's Tour in Germany, and the evening in the same way, and in Mrs. Pyne's room playing whist and conversing. We, viz. Mrs. Foot and myself, met there several of the family and passed a tolerably pleasant evening. Another year of my life has gone, and I almost reproach myself for the little good I have done. Should my life and health be spared for another year, I trust I shall not be obliged, at the end of it, to condemn myself so severely as I do this day."

My diary shows throughout, as the few extracts presented do, how constantly I was dissatisfied with myself, and how

short I fell of my own standard of duty, notwithstanding my persevering efforts to live up to it.

1829.

My time this year was fully employed ; very little, if any of it, was wasted. My profession demanded the principal part of it. In that I had full occupation, and was even offered more retainers than I could accept. The following entry appears in my diary under date of the 19th May :

“I was offered a professional engagement yesterday, which I could not undertake, in consequence of having so many on hand. This is more than I expected, and more than I deserve. The kindness of my Heavenly Father, who giveth all things, as well temporal as spiritual, is beyond measure. May he forgive my ingratitude. I ask it in the name and for the sake of my dear Redeemer.”

Social duties, an active correspondence with relatives and friends, exercise, and a little needed recreation necessarily occupied portions, though comparatively small portions, of my time. Far the largest part of these portions of time was occupied in social duties. Latin and French too were not wholly laid aside, nor was general reading entirely neglected. In all the mornings of January, February, and March I read French, and at other times during the year as occasional opportunities offered, both French and Latin, and always on Sunday when at home the Greek Testament. I read the newspapers regularly every day, and generally in the morning. Snatches of time in and out of court, and now and then late hours at night, when a book or subject particularly interested me, were devoted to general reading. On looking over my diary for this year, I was surprised to see how much general reading was thus accomplished.\*

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\* I read in the month of February, which was a fair average of the year, the following books : Douglass, a tragedy—The Poor Gentleman—



I was obliged to limit the time given to social intercourse. In my diary of the 23d of January is this entry—"We were invited to a party last evening, but in pursuance of our resolution not to mix with and spend our time in general society, we sent an apology." This simply means, that we resolved to avoid the round of large fashionable parties given in the city, and restrict our social intercourse to the educated and refined, in small social gatherings.

As we lived near the Battery, then a beautiful place, most of my exercise was taken in walking on it. Mrs. Foot generally accompanied me, and many refreshing and happy walks did we have there. We often met friends, who joined us, and with whom we had many pleasant chats. Their names are all down in my diary. If my children look at them they will find them to have been eligible associates.

The only recreation I allowed myself during the year, was a visit in June to our relatives, Prof. and Mrs. Horace Webster, at Geneva. We (Mrs. Foot and myself,) were there only four days, but it took us four days to go and four to return \*—a visit of three days near the end of July to our relatives, Prof. and Mrs. Charles Davies, at West Point, and a couple of days, viz., the 3d and 4th of August, passed at Rockaway.

Considerable portions of my time were passed in professional business out of the city. I was at Albany from the 20th of March to the 23d of April, and during that time was

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She Stoops to Conquer, plays—Several numbers of Johnson's Rambler and Idler—Johnson's "Review of a Free Inquiry into the Nature and Origin of Evil," written by Soame Jenyns—Johnson's Lives of Admirals Blake and Sir Francis Drake—His "False Alarm"—His Lives of Samuel Butler and Sir John Denham, and his pamphlet "Taxation No Tyranny"—Murphy's Life of Johnson—The Appeal of H. G. Otis and others to the People of the United States, in answer to President Adams' letter to them on their call for proof relative to his communications to Mr. Jefferson in 1808—and Disowned, a novel.

\* Now (1867), the time of travel between New York and Geneva is thirteen hours. What a difference!

almost daily engaged in court—again I passed three days in August, the 10th, 11th, and 12th, there, in the argument of a cause in the Court of Chancery, and again, on the 23d of that month, went there to attend the Court of Chancery and the Court for the Correction of Errors, and was occupied there a fortnight.

Mrs. Foot and I became very tired of living at lodgings, although we were in a pleasant house, had a handsome suite of rooms, and met there agreeable company. We did not have, however, the sweets of home, as we had enjoyed them in Albany, and longed for them. After a long talk together on Wednesday, the 5th of August, we determined to rent a house in the city, and buy a place in the country. Having formed our resolution, I carried it promptly into execution. It has been my endeavor in life, to form my resolutions on full consideration, but when once formed, to carry them out promptly. I leased a handsome three-story brick house, No. 88 Greenwich Street, then in the court end of the city. The best families then resided in that vicinity. Mrs. Foot, with some assistance from me, purchased the furniture we needed, and put our house in order. We moved into it on Saturday afternoon, the 3d of October. I made inquiries for a place in the country. We looked at quite a number during the autumn of this year and the spring of next year, but finding none to suit us, we gave up the idea of a country residence.

After we had decided to give up lodging and commence housekeeping, I concluded to change the character of my diary, and on the 16th of August made an entry in it in the following words—

“My habits being now fixed, to regulate which, I principally began and have continued this journal, I have concluded to alter the plan of it, and hereafter shall not go so much into detail. I shall endeavor to make it for the future, a tolerably accurate history of my mind, both as it respects acquirements and my own thoughts. It will probably assume more the character of a common-place book.”

I followed this plan for a few months and until the 1st of November, and then returned to the former mode of keeping my diary. My entry on that day is as follows :

"The satisfaction of looking back on daily occurrences has induced me again to re-commence my diary and write it daily as formerly."

My practice as a counsellor-at-law became so large, that I was unable to give much attention to the attorney's business transacted in the office. The burthen of that fell on my junior partner, Mr. William Kent. He was a scholar, a gentleman, and a well-educated lawyer, but he was not as efficient and thorough in the dispatch of business in the office, as my large practice required. This was so obvious in the autumn of this year, that I felt constrained to propose a dissolution of our firm. We conferred on that subject near the close of November. After a full and friendly interchange of views, we agreed to dissolve our partnership on the 1st of May following. We made this arrangement pleasantly, and without any diminution of our friendship and mutual respect.

The state of my religious feelings this year will appear from several extracts in my diary :

Monday, 9th February.—After an account of the manner, in which the Sabbath, the day before, had been spent. "The day was poorly spent, with the exception of the time devoted to the reading of the Testament. My thoughts were entirely on the world while in church, and for a large portion of the time out of it. I hope my Heavenly Father will pardon my offences, for the sake of His Son, my Saviour, and that he will aid me by his grace to subdue the evil propensities of my heart."

"Friday, May 1.—This day completes one year of my residence in New York. My success in my profession has far exceeded my expectations. For my great prosperity, and Mrs. Foot's and my continued health during the year, I return sincere thanks to my Heavenly Father, and pray him to take us into his kind keeping and guide and direct us through the coming year."

"Saturday, October 3 (the day we moved into our house).—I return thanks to my Heavenly Father for having again given me

a home, surrounded with all the comforts that man can reasonably require."

"Thursday, December 17th (my birth-day).—I thank my Heavenly Father for having given me life for so many years, and for having bestowed upon me the temporal blessings which I enjoy. I commit myself and all who are dear to me into his hands, having full and entire confidence in his justice and mercy."

Notwithstanding my efforts to discharge my duties to God and man, I found cause almost daily to accuse myself of delinquency, and often resolved on amendment. To admonish myself of my delinquencies, and aid me to keep my resolutions, I entered them in my diary. The following are specimens :

"January 5th, Monday.—Notwithstanding my resolution, I kept the first Sabbath of the year poorly, in comparison with what I might have done."

"January 11th, Wednesday.—I am so inclined to sleep lately that I can scarcely keep from dozing over the most interesting books. I fear I indulge my appetite too much, and am resolved to-day to amend in that respect."

"February 2d.—My thoughts were yesterday generally in a proper direction, though a portion of the time, they were very different from what they should have been. I allowed myself to become angry for omission to furnish our servant with her meals as agreed. 'Anger,' says the wise man, 'resteth in the bosom of fools.'"

## 1830.

My time this year was, in the main, fully occupied, yet I needed and allowed myself more hours of rest than in the preceding year. Several spells of slight illness also detained me for short periods from my usual avocations, and in the summer, I required and took a month for recreation. My professional engagements this year were generally of a higher order than theretofore. I was often employed in the argument of causes of the first importance, and against opponents in the

first rank of the profession. Preparation for these arguments required long, laborious, and intense application to professional studies and investigations, and their delivery called out my greatest efforts. These were exhausting, sometimes producing slight illness, and rendered rest, for longer or shorter periods, imperative.

While the principal part of my time was devoted to my profession, yet a considerable portion of it was given to social duties and enjoyments. Being housekeepers, and having a large circle of relatives, friends, and acquaintances, we entertained a good deal; not by giving costly and sumptuous entertainments, but by social gatherings, at dinner, supper, and tea, and occasionally at breakfast. This led us out frequently to social evening parties, and me often to dinner parties.

My general reading was pursued as time and opportunity offered, though not to the extent it was in the previous year. Latin and French received from me this year little or no attention. On the Sabbath, I usually read "The Observer," a religious paper, a few verses and sometimes a whole chapter in the Greek Testament, and frequently a page or two in the Rev. Matthew Henry's "Exposition of the Old and New Testament," a copy of which Mrs. Foot purchased in March. I read the newspapers regularly and generally in the morning.

Politics occupied more of my time and thoughts this year than ever before. The opponents of Freemasonry had become a strong and active party, termed "Anti-Masonic." A fuller account of the origin and progress of this party than I have already given in these pages, will be found in "Hammond's Political History of New York" (see Chapter 28). I of course read everything published on this subject, and my opposition to Freemasonry became deep and earnest, being fully satisfied that the oaths of the Masonic fraternity endangered the peace and safety of the community, and were especially obstructive to the administration of justice. I was an active member of the "Anti-Masonic" party, and labored earnestly for its success.

At an Anti-Masonic convention, held at Albany, on the 25th of February, I was "appointed a delegate to represent the state of New York in a National Convention, to be held at Philadelphia on the 11th day of September next."

The secretary of the convention, in his letter communicating my appointment, stated, that it was the wish of the convention that I should accept the appointment and attend the National Convention. In my answer, I accepted the appointment, and said I would "attend, if indispensable engagements do not prevent me. Our Court of Errors will be in session at that time, and causes in which I am employed as counsel may be under argument; if so, it will be difficult for me to leave the city."

An Anti-Masonic convention was held at Utica, early in August, to nominate candidates for Governor and Lieutenant Governor. The general, if not universal, opinion of the party was in favor of the nomination of Mr. Francis Granger, of Canandaigua, for Governor, and the leaders of the party were canvassing the names of prominent gentlemen in the eastern part of the state for a candidate for the office of Lieutenant Governor.

Mrs. Foot and I left the city for my month's recreation on the 24th of July. A day or two before we left, a committee of the delegation from the city of New York to the Utica Convention waited upon me, and asked permission to present my name to the convention as a candidate for the office of Lieutenant Governor. I hesitated about giving it, for if elected, the duties of the office would greatly interfere with my profession, and be a serious injury to me. The committee urged the matter upon me, mainly on the ground, that I was the most prominent member of the party in the eastern part of the state, and mine was the only name they could unitedly and satisfactorily present. Thus urged, I reluctantly assented to the presentation of my name. It was not, however, presented. The convention selected for that office Mr. Samuel Stevens, of the city of New York, a highly respectable gentleman, but not a member of the Anti-Masonic party.

Jabez D. Hammond, the author of the "Political History of New York," was an active political manager in this state, and a member of the Anti-Masonic party. He wrote me a letter on the 17th of August, in which he spoke cheerfully of the nominations at Utica, and of the prospect of electing the nominees. He remarked in this letter: "I had hoped to have had the pleasure of giving you my vote for Lieutenant Governor, but must deny myself that gratification for the present."

Mrs. Foot and I returned to the city on the 21st of August, and on that day I answered Mr. Hammond's letter as follows:

"On my arrival in the city to-day, I had the pleasure of finding your letter of the 17th inst. I am happy to hear that the nominations made by our friends at Utica are so well received, and that the prospect of success is as fair as you represent. I had not supposed, that the convention would, or could, go out of the Anti-Masonic party for candidates; indeed such a course had not entered my mind, as one at all probable, and I shall not yield to the policy of it, till the event shows its correctness. The selection for Lieutenant Governor is highly judicious, if the policy was wise to go out of the party for a candidate; but such steps in politics have always, in this state, and without a single exception to my recollection, been frowned upon by the people.

"Concerning Mr. Granger's nomination, there is but one opinion, and of Mr. Stevens I can say, he is a most worthy and excellent man, and having consented to receive a nomination, he will, of course, act with the friends who elect him, and I shall support the ticket with zeal.

"As to my nomination, all I know about it, is, that a committee from the New York delegation called upon me the day before I left the city, stated that the delegation had appointed them to inquire of me if I would consent to be a candidate for Lieutenant Governor. I answered, in substance, that an election would be seriously injurious to me, yet I hardly felt at liberty to deny the use of my name if the convention desired it, and upon the whole would say, that if no other gentleman could be found, who would answer the exigency of the party, they might use me, but only as a dernier resort.

"I since learn, that Mr. Weed heard of this, thought my nomination would not answer, came down to this city and persuaded the delegation to take up Mr. Stevens. In this he has done me a personal favor, and perhaps the party, an essential service."

A week or two after writing this letter to Mr. Hammond, I was informed, and no doubt correctly, that the managers of the party, or rather I should more correctly say, that the manager of the party, Thurlow Weed, then the editor of the "Albany Journal," the leading paper of the party, deemed it more politic, as Anti-Masonry was greatly in the minority in the eastern part of the state, to nominate a gentleman from that part of it who was not identified with the party, than one who was, and hence Mr. Stevens' nomination.

The result showed that my views were correct, and Mr. Stevens' nomination a mistake. The Anti-Masonic party were beaten by over 8000 majority.

When the time arrived for the meeting of the convention in Philadelphia, viz., the 11th of September, a session of the Superior Court, and of the Court for the Correction of Errors, in the city of New York, rendered it impossible for me to leave home, and I was obliged to ask to have a friend substituted in my place.

In the month of April, I formed a copartnership with my nephew, Henry E. Davies, which commenced on the 1st of May following, and continued for seventeen years, and until I removed from the city of New York to the village of Geneva, on the 1st of May, 1847. This connection was a fortunate one for each of us. We did a very large professional business, happily and successfully. Mr. Davies had a remarkable talent for the dispatch of business. He relieved me almost entirely from the business in the office, and thus enabled me to devote nearly my whole time to counsel business.

My professional engagements took me to Albany several times this year. I was there from the 4th to the 26th of January—on the 20th, 21st, and 22d days of April—from the 1st to the 8th of July—from the 16th of October to the 2d of November, and on the 24th, 25th, and 26th days of December.



My exercise was taken almost wholly by walking on the Battery. Mrs. Foot usually accompanied me, and, as last year, we often met friends there, and had pleasant walks and conversations with them.

Mrs. Foot and I spent the last few days of April, in a trip to Philadelphia, to visit the widow and children of our former pastor in Albany, the Rev. John Chester. We found Mrs. Chester and her children well, and agreeably situated. We had a pleasant journey and visit.

On Saturday, the 24th of July, Mrs. Foot and I left the city directly after breakfast for a month's tour in the country. We traveled in a carriage with a pair of horses and driver. Our first stop was with her uncle, Mr. Philemon H. Fowler, in Eastchester. We arrived there in time to dine, and spent the afternoon of that day and the next day (Sunday) with him. On Monday we proceeded on our tour. We sauntered leisurely and in short daily rides through Westchester County and Connecticut, over to Watertown in that state, the residence of my sister and brother-in-law, Scovill, and the place of my nativity. My sister York was then there on a visit. We spent several days in Watertown, riding and visiting with my sisters. They went down to New Haven with us. I left Mrs. Foot and them to return to Watertown in the carriage, and went myself in a steamboat to the city for a few days, on urgent professional business. On my return from the city to New Haven, Mrs. Foot met me with the carriage, and from there we went to Hartford, stopping on our way at Cheshire, to make my cousin, Samuel Augustus Foot,\* and his family a visit, which proved to be a pleasant one. From Hartford, we proceeded up the valley of the Connecticut river, spent the Sabbath at West Springfield, and heard the Rev. Thomas E.

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\* This gentleman wrote his name, as I have always written mine, viz., Samuel A. Foot, though our middle names were not the same, as I have before mentioned. His son, Andrew Hull Foot, was a remarkable man—a ripe scholar—an active Christian—an accomplished gentleman—a brave and able officer. He was greatly distinguished in the late rebel war, and died an Admiral.

Vermilye preach. Little did I then think, that in after years, he would be one of my pastors in the Reformed Collegiate church in New York, as he actually was. We spent half a day at Springfield viewing the United States Armory, in company with some friends whom we met at that place. Staid over night at Northampton, followed the valley of the river through the towns of Hatfield and Deerfield to Greenfield, and then turned west into the mountains. We dined at Greenfield on the 10th of August. From there over the mountains to North Adams. I will copy from my diary :

"After dinner we rode eight miles to Merrill's in Shelburn, where we staid all night. The ride was charming, the country being hilly and picturesque, and appearing to great advantage in comparison with the monotonous level of the banks of the Connecticut river, of which we had begun to be tired. The old towns of Hatfield and Deerfield had the appearance of age and great respectability. The main street through the village of each was lined with old and reverend elms and maples, which gave an interesting appearance to each town. I shall easily remember them.

"Wednesday, August 11th.—This day we rode twenty-four miles, viz., from Shelburn through Charlemont and Florida to the north village in Adams. We were in and on the mountains during all our ride, which continued from six in the morning to two in the afternoon. We followed the Deerfield river through Charlemont and a part of Florida. It would require pages to describe the beauties which this ride presented. It gave me and Mrs. Foot a clearer view of mountain scenery than we had ever had before. The valleys of the two branches of the Hoosick river, as they were first presented on this side of the mountain, were very beautiful indeed; *beautiful* is almost too tame a term for the splendid spectacle which the summit of this side of the mountain presented. The grand scenery which lay behind us, after we had reached the top of the mountain, repaid all our toil in the ascent. I shall leave it for memory to dwell upon without attempting a description."

From North Adams we proceeded through Williamstown to Lebanon Springs, where we found several friends and ac-

quaintances, and passed a day and night. From there we went to Albany and passed a Sabbath with Mrs. Foot's parents. The next day, Monday, the 16th of August, we went down the west side of the Hudson river, through Catskill village to the Mountain House, where we spent a day and night. In my diary I spoke of the scenery as follows :

"The scenery is too magnificent for me to attempt a description in a brief diary. I shall easily remember all the interesting objects. I trust my heart and head are both improved by witnessing these grand displays of the works of my Almighty and Beneficent Creator."

We returned from the Mountain House to the village of Catskill, and from there by easy daily journeys went down on the west side of the river to New York, where we arrived on Saturday, the 21st of August, and found our house safe and in good order.

The ride down the west side of the river was charming. Besides having an opportunity to see all the towns and villages on that side of the river, most of the land we passed was highly cultivated, and the scenery in many places magnificent.

The only recreation enjoyed this year, in addition to and after our tour, was a ride and short visit of a couple of days on the 10th and 11th of September to Mrs. Foot's uncle at Eastchester—a couple of days, the 25th and 26th of November, spent at West Point, playing chess with my nephew, Prof. Charles Davies, Colonel Thayer, the Superintendent of the Academy, Prof. Courtnay, and other friends—and generally one evening every week in October, November, and December playing chess with General Winfield Scott, either at his house or mine, he being my neighbor, and our residences within a few doors of each other.

Mr. Daniel Lord was a contemporary during my residence and practice in the city of New York. He was in the front rank of the first class of our profession—had a very large practice—was employed in the most important cases, and distinguished for his high moral and Christian character. To show

my sons, who may follow me in my profession, the true spirit which should govern them in their intercourse with their professional brethren, I subjoin in a note a couple of letters—one from Mr. Lord to me and the other from me to him in answer to his.\*

After we removed from Albany, I always went once a year, when there, to visit the grave of my deceased brother, to keep his memory fresh in my mind, and see that his grave was kept in good order. When he died, tombstones were placed at his grave of as good a quality as could then be afforded, but they

\* TUESDAY MORNING, 20th April, 1830.

SIR :

In a conversation with Mr. Dey yesterday morning, he stated to me, that at our last meeting in the presence of the referees, I had said in relation to some remark of yours, that it was an untruth.

I do not recollect the use of such an expression, but from his statement, I cannot doubt it did escape me. I use the first opportunity to declare my regret, that in the heat of resistance to what I considered unjust and irregular remarks towards my clients, any such expressions should have escaped me, and I also regret the harsh expressions, I may have consequently used, in reply to your remarks on my conduct.

I hope that this may be considered, as it is intended on my part, as an ample apology for what was unjustifiable under any circumstances to any gentleman.

I am, very respectfully, your obedient servant,

DANIEL LORD.

Mr. FOOT.

April 22d, 1830.

DEAR SIR :

I had the pleasure of receiving this morning, on my return from Albany, your note of the 20th instant, and hasten to inform you of the gratification which its perusal has afforded me. It has not only brought my feelings to their former state of kindness and respect for you, but increased the high opinion I had before entertained of your worth and magnanimity.

With sentiments of great respect and esteem,

I remain, sincerely, your friend,

SAM'L A. FOOT.

DANIEL LORD, Esq.

did not accord with my present circumstances, and when in Albany in October this year, I ordered a new pair more in accordance with them and with my appreciation of his memory. His remains rested there under those stones till June, 1867, when his widowed daughter, Mrs. Lucretia Booth, removed them to Ballston Spa, and placed them in the cemetery there beside those of his wife.

My religious views and feelings this year will best appear by a few extracts from my diary, in connection with the circumstances under which the entries were made.

When in Albany in January, I took a walk at twilight on the 22d of that month, and visited the grave of my little daughter. The entry in my diary is as follows :

“As I stood there I enjoyed a holy and sweet communion with my Heavenly Father, and her dear spirit resting in his bosom. I experienced a state of mind and feeling beyond description. This earth was nothing to me, but heaven, eternity, and immortality, everything. If I can leave this world with the same holy serenity, then to die is gain.”

I returned from Albany on that occasion on the west side of the river. The weather was very cold, and the journey somewhat perilous. My entry in my diary on reaching home, and under date of the 28th of January, is in the following words :

“My first impulse on meeting my family was thankfulness to my Heavenly Father for preserving us all in our separation, and permitting us to meet again in health and safety. May He continue his kind care over us, and we become more worthy of the many favors He bestows on us.”

On the 2d of February an incident occurred, which led me to give such devout and profound thanks to my Heavenly Father, that I will give the whole entry of that day :

“February 2d, Tuesday.—This morning brought with it an appalling occurrence. While Mrs. Foot was performing a kind office

for me in our dressing room, her clothes took fire, and when I first discovered it, her back, from her heels to her shoulders, was in flames. She was unconscious of it. Being dressed in woolen, I sprang and drew her against me, and in that way smothered and subdued the fire. She was not injured, though the back part of her dress was nearly consumed. My right hand, which I freely used in extinguishing the fire, was considerably burned. The spectacle was awful, when I first saw the fire, and my first movement, apparently, instinctive, yet I must have reasoned, as the measure I took was the most efficient one in my power. I give sincere and hearty thanks to my Heavenly Father for this merciful preservation of my companion, and hope it may be the means of inducing us both to rely more entirely on his goodness and care. The forenoon of this day was passed at the office in business, the afternoon and evening at home. Chancellor and Mrs. Kent passed the evening with us."

Under date of the 4th of May, after stating, that on that day, Chancellor Kent and his son, William, had moved to other offices, and expressing my regret at parting with them, I say—

"I am to-day again on the world, and must succeed or fail, as my efforts shall be approved or disapproved by my Heavenly Father. He has signally favored me thus far in life, and I commit myself to Him with entire confidence, and I hope with a humble spirit, which is prepared to submit willingly to his commands."

On the 15th of August, while on our tour in the country, I wrote the following :

"My neglects of duty on this journey to my Heavenly Father have been frequent. I have no excuse to render, and must entreat my Saviour to take my transgressions on himself, and intercede for me with my offended Parent."

On our returning safely and happily from our tour, I wrote under date of August 21 :

"For this, and all other favors which we receive daily from our Heavenly Father, let us return sincere and hearty thanks."

My children will naturally think that under the influence of thoughts and feelings like those, which the preceding entries in my diary disclose, that I would have been able to discharge fully and correctly my daily duties, improve my time and opportunities for usefulness—in a word, live up to the standard of Christian duty, which God has prescribed in his Holy Word. But I fell very far short of even discharging fully and well my daily and obvious duties. My diary is full of entries to that effect :

“ December 17.—This day I am forty years old, and when I review my life, I cannot but sorrow to see how little I have effected, and how much more I might have done. A kind Providence has attended me, yet I have made but a poor use of the means which have been furnished me. With God’s help, I hope, if my life is spared for another twenty years, that I may be able to give a better account of them, than I can of the last twenty.”

### 1831.

My time this year was occupied in general as it was last year. My professional engagements increased in importance, though probably not in number. They were consequently more exhausting, and obliged me to take more time in the summer for rest and recreation.

Our circle of friends and acquaintances extended as my professional reputation increased, and hence some more time was required this year than last for social duties. My diary contains a full account of the manner in which those duties were discharged, and the names of those with whom we associated. By looking at them, my children will see, that my social position was all one could desire.

The French language received no attention from me this year as a study, but the Latin did. Many of my mornings were occupied in reading Horace, Virgil, and Cicero De Senectute. My general reading was about the same as the year before. My reading on the Sabbath this year was generally in

the Observer, Henry's Exposition, the Greek Testament, Bible, and Young's Night Thoughts. My professional reading this year, and indeed always after I had a full practice, was in connection with questions arising in my profession.

Politics continued this year to engage my attention to a considerable extent. I assisted and contributed liberally to establish in this city an Anti-Masonic paper called "The Whig," and wrote a recommendation of it. This recommendation will show the leading objects of the Anti-Masonic party, and those, which I had in view, in becoming a member of it. It is No. 14 of "Papers Written by me."

A National Anti-Masonic Convention was held at Baltimore, Maryland, on the 26th of September this year, to nominate candidates for President and Vice-President of the United States. I was a delegate from this state, and attended. The two most prominent gentlemen talked of for the Presidency were Judge McLean, of Ohio, and William Wirt, of Baltimore. Being acquainted with Mr. Wirt, I called on him at 10 o'clock A.M. of the day the convention was to meet at 12 o'clock, and in the language used in my diary, "conversed with him till half-past 11 o'clock, relative to the principles of Anti-Masonry and the nomination of a President." This conversation satisfied me, that Mr. Wirt was exactly the man, whom the exigencies of the party required, as a candidate for the Presidency, and I took strong ground in favor of his nomination. A conference was held by the members of the convention on the evening of the 26th of September, for general consultation. I spoke several times. No candidates were named. A second conference was held the next evening, to nominate candidates, which continued till 2 o'clock in the morning. The following entry in my diary of the 27th of September will show the part I took in the conference :

"If a mode of voting which I insisted on, and which was suggested to me by a friend in the convention, and opposed by my friend Seward (Hon. William H. Seward), had not been adopted, Mr. Wirt would not probably have been nominated. On how slight circumstances great events often depend ! In the course of



the evening, when debates grew warm between the friends of Mr. Wirt and Judge McLean, and when the conference was about to dissolve without agreeing on a candidate, I addressed a few words or rather sentences to the meeting, which turned the course of feeling so much, that with the aid of other gentlemen, Mr. Wirt was finally agreed on unanimously. For this I was thanked by several members the next day."

I took a part in the proceedings of the convention the next day. Under date of the 28th of September, is the following entry in my diary :

"In the afternoon session I made a short speech, more for the respectable audience which was present, than the convention, on the resolutions declaring our principles, which were then under consideration. This was one of my best declamatory efforts, and for it I was greatly commended by several of my friends. The audience listened with attention, and I trust I was the instrument of some good to this portion of my fellow-citizens."

My position, politically, led to quite an extensive correspondence with prominent gentlemen in the Anti-Masonic party. Some portion of this correspondence has been preserved. Copies of some of my letters to Mr. Wirt, Mr. Seward, and others, and some of their letters to me will be found among my letters of 1831.

Early in March, I was elected a manager of the "Colonization Society of the city of New York," which trust I accepted, and from that time became an advocate and annual contributor to the great and benevolent enterprise of colonizing the free people of color on the western coast of Africa. In subsequent years I became a manager and Vice-President of the New York State Colonization Society. Having from my early manhood regarded slavery as a great social, political, and moral evil, my desire to see it abolished in this country has always been intense. My position uniformly was, that the citizens of the free states ought to follow the lead of their fellow-citizens of the slave states in regard to slavery, and not attempt to lead and direct them, and as they approved of

colonization, we of the free states should give it a hearty support. I held to this position and acted upon it, till the year 1854, when the influence of slavery was powerful enough to induce Congress to repeal the Missouri compromise against the almost unanimous remonstrance of the free states. I then saw that slavery was too strong for the Government, and became the year after a member of the Republican party, whose avowed object was to confine slavery to the states in which it then existed. I have written much and spoken often on this great subject. My writings and speeches will appear in the course of this Autobiography. My first speech was delivered at "A general meeting of the Colonization Society of the city of New York, and of citizens, held in the Middle Dutch Church, on the evening of the 13th of May, 1831."

The *Christian Intelligencer*, of the 21st of that month, contains the following notice of my speech :

"Samuel A. Foot, Esq., of this city, arose, and in an able and impressive speech, advocated the cause of African Colonization, and by powerful arguments enforced the claims of the Society to the favor and liberality of our citizens. He showed that the scheme of the Society was practicable, and that its tendency was to elevate the character of the people of color already free, to suppress the slave trade, and gradually and safely to wear away the institution of slavery. He concluded by offering the following resolution :

*"Resolved*, That this Society deems the principles of the American Colonization Society worthy of approbation and support, not only as philanthropic and patriotic in their character, but also as tending most effectually to secure and promote the rights and interests of all classes of our countrymen."

My professional engagements this year did not take me often, or for long periods, from the city. I was away only three times, and those at Albany, viz., from the 30th of January to the 11th of February—on the 4th and 5th of April—and from the 18th to the 25th of December.

My exercise in the city was mainly taken in walking on the Battery. Mrs. Foot usually accompanied me, and we met

friends there in the same agreeable manner as the year before.

Near the end of May we made a short visit of a couple of days to our relatives and friends in Albany. On the 30th of June we left the city for Geneva, to pass some weeks with our relatives, Prof. and Mrs. Horace Webster.\* We stopped on our way, first, at West Point, and passed a day there with our relatives and friends, then at Albany for four or five days, to visit relatives and friends there, and while there, I argued a cause in the Court of Chancery. We arrived at Geneva on the 8th of July, and remained there till the 16th of August, when we left for Albany, where we arrived on the 19th.

While at Geneva my time was mostly passed in fishing, rowing on the lake, hunting, riding, visiting, and receiving visits. I read a little and held some consultations on professional business. I attended the examinations of the students of the college, also the commencement, and the collegiate dinner at the hotel.

The trustees of the college conferred on me the honorary degree of Master of Arts. I presume this was done, on the suggestion of my brother-in-law, Prof. Webster, who knew, I was too poor in 1814, to attend commencement and receive my Master's degree in course at Union College.

I made the following entry in my diary, under date of the 3d of August, respecting this degree and the commencement exercises :

"The performances were highly respectable. The trustees conferred on me the honorary degree of Master of Arts, for which kind notice I am thankful, and feel grateful to my Heavenly Father, that he has so guided and directed me, as to render me worthy of the good opinion of my fellow-men."

My first ride on a railroad, and the first time I ever saw one, was on the morning of the day we arrived in Albany. We rode that morning from Schenectady on the railway,

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\* Mrs. Foot and Mrs. Webster were sisters, and Mr. Webster was Professor of Mathematics in Geneva College.

drawn by horses, at the rate of eleven miles an hour. It seemed wonderful. I speak of it in my diary, as "another instance of the astonishing improvements of the present day."

We remained in Albany ten days, visiting relatives and friends, riding to Troy and other places in the vicinity, and enjoying such other means of recreation as offered.

Leaving Mrs. Foot in Albany, where she remained till the middle of September, I returned to the city, where I arrived on the morning of the 29th of August, and resumed my profession. Our servants not having resumed their duties, I took lodgings at Bunker's, in Broadway, then the best hotel in the city, and only opened our house to use my library.

The only additional recreation I took this year was by spending three days in November, the 17th, 18th, and 19th, with my nephew, Prof. Davies, at West Point, playing chess with him and our friends at the Point, and going from there to Albany, where I joined Mrs. Foot and passed a couple of days with our relatives.

An incident occurred on Saturday, the 10th of September, by which I was put in great peril, and my life providentially preserved. Being alone in the city, (for I always felt myself alone when Mrs. Foot was not with me), the weather warm and oppressive, and having been constantly engaged all the week, I concluded to go out to Eastchester, and spend the Sabbath with our uncle, Mr. P. H. Fowler. For that purpose I hired a horse and gig. When within about a mile of West Farms, and while riding on a gentle trot, upon a good road, with my hat off enjoying the breeze, the horse, a large and powerful animal, suddenly, and without any apparent provocation, commenced kicking with both feet most furiously. The second kick broke both thills, and let the gig down. I then jumped from it, and fortunately for me that I did, for the next kick was over the dash-board and directly into the gig where I had been sitting.

My preservation appeared to me providential, and I wrote in my diary the next day as follows :

"I was not injured in the least, and considering the peril I was in, it appears to me a special interposition of Providence. For this and the many other favors I receive daily from my Heavenly Father, I return my sincere thanks, and pray Him, for the sake of his Son, my Saviour, to forgive my numerous offences."

In October, the Rev. Dr. Mason, then President of Geneva College, was in the city soliciting funds for that institution. At his request, I made an address on behalf of the college, before a large meeting of gentlemen, belonging to the Episcopal church, at which the Bishop of the diocese presided. Dr. Mason opened the meeting by an address, and I followed him.

The American, of the 14th of October, a highly respectable newspaper then published in the city of New York, after noticing favorably Dr. Mason's address, contained the following notice of mine :

"He was followed by Mr. Foot, who, in a very happy manner, spoke of the advantages of such an institution, if liberally supported; of the exigencies of the western country for the higher branches of a liberal education, and the capabilities of Geneva College to afford them. He took occasion to observe, that though he did not belong to the denomination of Christians, of which most of those present were members, yet he could not refrain from remarking, that he had attended at the recent commencement of Geneva College, and that he had derived as much satisfaction from the exercises of that day, as from any commencement he had ever been present at, even of the college of which he was a graduate."

In the latter part of the month of October, I was associated with Mr. Talcott, whom I have before mentioned, in the argument of an interesting and important cause for the Orphan Asylum Society of the city of New York. Mr. Talcott had, by this time, become very eminent, and I made an earnest effort in this cause to acquit myself well, not in a spirit of ignoble rivalry, but under the influence of a laudable ambition for professional distinction.

The managers of the society sent me the following resolution :

"Resolved, unanimously, That this Board return their grateful acknowledgments to their counsel, S. A. Foot and S. A. Talcott, Esquires, for the very able and eloquent manner in which they advocated the cause of the orphan in the late application to the Court of Chancery."

My spiritual condition improved this year. My conscience became more wakeful and tender in regard to my religious duties. My Sabbaths were in general better spent. I gave up the bad practice of attending church only half the day, and usually attended forenoon and afternoon and occasionally in the evening; still my Sabbaths were far from being as well spent as they ought to have been. Mrs. Foot never visited on the Sabbath, and never willingly received visits. On the 2d of January this year, I joined her in a determination, neither to visit, nor receive visits on the Sabbath, and on that day, which was the Sabbath, we denied ourselves to several gentlemen who called.

A few extracts from my diary will show the state of my religious feelings this year:

On my return from Albany on the 11th of February.—  
"Found Mrs. Foot well and my household in good order. For my preservation and that of Mrs. Foot during our separation, and my safe return, I record my thanks to my kind Preserver and bountiful Benefactor."

May 13th. After the delivery of my speech in favor of colonization.—"The meeting was an interesting one, and I acquitted myself better than I expected. I thank my Heavenly Father for carrying me successfully through this interesting duty, and thus enabling me to cast in my mite of effort in this great cause."

June 29th. The day before we left the city for the West.—  
"To-morrow morning we leave the city for the West, and expect to be absent some time. We commit ourselves to the care of our Heavenly Father, and pray him to preserve us during our absence, and return us to our dwelling in the autumn in health and safety."

September 17th. When Mrs. Foot came from Albany to the city and we resumed the occupation of our house.—"The pleasure

of home are indeed sweet. Our servants have returned, and our house is being arranged. Health and happiness have been the lot of each of my household during our separation. For this I return thanks to my Heavenly Father, and pray that he will bless us in all our relations in life."

December 17th. My birthday.—"This is my birthday, and brings me to forty-one years of age, but my business, viz., preparation for an argument before the Chancellor in Albany, has so occupied my time, as to prevent me from paying that attention to it which I ought. I trust I am thankful to my Heavenly Father for the continuance of my life and the general prosperity which I enjoy."

December 31st. The close of the year. After mentioning that I had spent a part of the day in errands, "the object of which was to pay *all* my debts, which I accomplished," my entry is the following: "I have thus been carried through the year, and although I have not wasted any considerable portion of my time, still many valuable hours have been poorly and uselessly spent. For this I ask the forgiveness of my Heavenly Father, and also return Him sincere thanks for the many blessings the year has brought with it."

### 1832.

This was an eventful year for me. Three events occurred, each of which had an important influence on the future of my life:

*First.* My dear, faithful, and devoted wife was removed from me by death.

*Second.* I avowed openly my fealty to my Saviour, and became a member of his visible church.

*Third.* I delivered an address before the literary societies of Geneva College, which drew public attention to me as a scholar.

My diary this year was commenced with the following entry:

"My habit being firmly established of taking exercise every morning when the weather will permit, and of reading the morn-

ing paper, in addition to my other duties in the morning already recorded, it seems unnecessary to notice either of them in my diary. It may be taken for granted that they are performed, unless the contrary is stated."

My time from the commencement of the year to the 2d of July, was passed mainly as it had been in previous years in the city. The only variations consisted in my professional engagements in the city being more engrossing, as I was out of the city but once on business, and then only for a few days at Albany in the early part of February—in giving no attention to Latin and French as studies—occupying sufficient time to write my address—and in reading on the Sabbath, in addition to the Greek Testament, the notes of Scott and Henry on the portions of Scripture read in Greek.

On the evening of the 20th of March, I delivered an address in favor of colonization before a large meeting held at the City Hotel, in respect to which, I remark in my diary, that "I acquitted myself tolerably well." I have preserved only the outlines of this address. Whether it was published or not, I do not recollect.

I spent the afternoon of the 27th of January in writing a short article for the Whig, on the renewal of the charter of the United States Bank. It is No. 15 of "Papers Written by me," and was published in the Whig of the 30th of January.

I allowed myself this year no rest, or recreation beyond daily exercise, except a visit with Mrs. Foot of a couple of days at the end of March to our relatives and friends in Albany, and a visit with her of four days at the beginning of May to our uncle, Mr. P. H. Fowler, at Eastchester, where most of my time was passed in hunting, fishing, and rambling over the fields.

As cholera prevailed at Montreal early in the season, its approach to Albany and New York was expected. Mr. Fowler with all his family left Albany for Geneva about the middle of June, and was very anxious Mrs. Foot and I should join them there.



On the 2d of July, the Board of Health of the city of New York announced the presence of cholera. Our arrangements having been previously made, we left the city that afternoon. I truly say in my diary, "We did not leave because I was afraid to remain, but because Mrs. Foot and I apprehended her parents and relatives would be greatly disturbed, if we continued in town."

We took a pair of horses, driver, barouche-wagon, and maid-servant. We crossed the river and proceeded on the Hackensack road to a tavern in the town of Bergen, where we staid over night. From there by short daily journeys, neither of us being very well, we traveled through the northern part of New Jersey to Milford, in Pennsylvania—from there through the eastern and mountainous part of that state to Binghamton in this state—from there to Owego, Tioga Point, Elmira, and Jefferson at the head of Seneca Lake. One of our horses becoming lame, we then went on board the old steamboat, "Seneca Chief," with our wagon and horses, and had a pleasant passage down the lake to Geneva, where we arrived on the 13th of July, at 8 o'clock P.M. This was a very pleasant journey. We regained our health, and arrived at Geneva quite well.

A detailed account of this journey, the friends we met, and objects of interest we saw and examined, will be found in my diary. My children can trace our steps on the map, and read the whole if they choose.

On our arrival at Geneva we found our relatives well. We all formed one family at Prof. Webster's. The days were passing pleasantly. I hunted, fished, rowed on the lake, rode and walked with Mrs. Foot, and other members of the family, and interchanged visits with our friends, of whom we had many in the village. The time was thus passing agreeably, when within a few days after our arrival, a little daughter of Mr. and Mrs. Webster, named Mariam Foot, after her aunt, Mrs. Foot, was taken very ill with a fever. She grew rapidly worse, and died in the evening of the 18th of July, and was buried in the afternoon of the next day, being Thursday.

Mrs. Foot was very fond of this child, and took the same care of it during its illness, as she would, if it had been her own. The death of this little namesake deeply affected her. On Monday night following, only three days after the burial of this child, Mrs. Foot was taken ill with a fever, similar to that of which the child died. She continued to grow worse, with, however, occasional apparent improvement, till the afternoon of Thursday, the 2d of August, when she expired.

Her death was happy and triumphant. She had the full possession of her mind till near the closing of the scene. Her religious faith sustained her throughout, and she went to meet her God rejoicing. My diary contains many affecting particulars of her sickness and death, but I shall here only mention the leading features of her character.

She had a bright and active mind, a sound judgment, and a remarkably quick, indeed almost intuitive, perception of the proprieties of life. Her manners were gentle and winning—her taste in music refined, and improved by culture—and her mind was well stored with general knowledge. These high qualities made her a favorite with all our friends and acquaintances; wherever she went she made friends. She read a great deal, and her reading seemed directed to qualify herself for companionship with me. After we removed to New York, she devoted herself to learning the French language, and with the aid of an instructor, for no object, so far as I could see, but to be able to converse in that language with me, and thus aid me in keeping up my knowledge of it. But the crowning grace of her life was a true, holy, heaven-born, deep, abiding, and ever-active Christian spirit. Her duties to her God were never neglected. She revered and loved her Saviour, and improved every opportunity to extend his kingdom on the earth. Her heart was full of Christian sympathy. Having no children of her own to rear, she had time and opportunity, which she improved, to do much good. Her attention was more particularly directed to destitute children, who needed care and aid. She had an infant school, composed mainly of poor children in the neighborhood of our residence, which was almost

wholly sustained by her. There were also several in the Orphan Asylum, whom she had interposed to save. But her main and unceasing efforts were directed to modify and counteract my worldly-mindedness, and draw me to my Saviour. This she did so gently, so unobtrusively, so judiciously, so kindly, that she was an instrument in my Heavenly Father's hands, to turn my thoughts heavenward, as my diary shows they were. She was my constant and most acceptable companion. At home, we read, we conversed, we played chess, and occasionally backgammon, together. We were always glad, when other duties allowed us, to pass our time together. We rode, we walked, we traveled together. We also, for several years before her death, prayed in the morning together. She was faulty, so far as I observed, but in one particular—she was too devoted to me for her own happiness, or usefulness. She thought too much of what she could do, to gratify me. Over all this, however, when the trial came, her Christian faith triumphed, and I will relate our final parting, to show my children, more especially my daughters, how a Christian wife, affectionate and devoted, can give up her husband on a summons from her God.

I will give our parting as recorded in my diary. In addition to several verbal bequests made through her sister, Louisa, to members of the family, and among them her Polyglot Bible to me, she made several bequests to charitable objects, which she wished me to carry into effect. "Soon after these bequests were made, I came into the room, and asked her if she had any requests to make. She replied that she had made them to Louisa, and began to repeat them, but was so feeble as not to be able to in full. She then embraced me, and bid me farewell, saying, she had had a struggle to resign me. Some short time after, I was by her, and she observed her wedding-ring upon her finger. She took it off, and placed it upon one of mine, saying 'There, dear husband, that is the last—I now give you up.'"

She was buried at Geneva, in a leaden coffin. Early the next spring her remains were removed to Albany, and interred

by the side of those of our little daughter. Over them, I erected a suitable monument. After the Albany cemetery was established, Mr. Fowler removed the remains of both of them with the monument to a lot in that cemetery, which he had purchased for the interment of his family, where they now (1868) lie.

I hope to meet her blessed spirit in heaven, where "they neither marry, nor are given in marriage."

An incident occurred at the close of the funeral ceremonies, which touched my heart, and will never be forgotten. The bearers returned to the house with the mourners, and as they came to the door, opened to the right and left and allowed us to pass in.

I close the account in my diary of her death and burial in the following words :

"I have thus parted with my dear, faithful, and devoted wife, and if there is truth in God, and *God is true*, she has gone to realms of bliss. Holy and Heavenly Father, I record my thanks to thee, that thou hast allowed the beloved companion of my youth to part from this world so peacefully, and in a manner so consolatory to her surviving relatives. I also thank thee, that thou hast sustained me during this severe trial and time of intense suffering, and hast consoled me with so many holy and heavenly reflections. Let the memory of the death of my dear wife never pass from me, but remain a constant light to guide me on the way to heaven."

To show that Mrs. Foot's character was known and appreciated by others, the following obituary notice, written by a friend, who knew her well, appeared in the New York papers a few days after her death :

#### OBITUARY.

Departed this life on the 2d instant, at the residence of her brother-in-law, Professor Webster, at Geneva, Ontario County, Mrs. Mariam Foot, consort of Samuel A. Foot, Esquire, of this city. Mr. F. and lady left New York for the West early in July last, in perfect health. After spending a few days at Geneva, she was

seized with a bilious intermittent fever, which in twelve days terminated fatally. The many excellent qualities of Mrs. Foot had endeared her to a numerous circle during her residence among us. Her active charities and unaffected piety will long shed a delightful fragrance upon her memory, and endear it to her bereaved relatives and friends. The select few who knew and justly appreciated her unostentatious benevolence, and ardent zeal in the cause of pure and undefiled religion, will long revere her unpretending virtue and deprecate her sudden withdrawal from a life scrupulously devoted to usefulness, and strikingly displaying the Christian graces. It will be consoling to the numerous friends and admirers of this estimable lady to know that, her last moments were peculiarly marked by calmness and resignation—portraying at that trying hour, as she illustrated throughout her valuable life, a strong faith and holy confidence in the merits of a blessed Redeemer.

The Polyglot Bible she gave me, and which I used daily till impaired vision rendered larger print necessary, now (1868) stands in my library by the side of her pocket hymn-book, and where they will stand as long as I live. A pretty musical box, she gave me the year before she died, and which your dear mother had repaired and put in order for me some years ago, has always been and still is in a drawer in the table in my library, at which I read and write. It has occasionally played "Auld Lang Syne" and "The Merry Swiss Boy," which are the only tunes with variations it can play.

The influence which this faithful and devoted wife exerted over me for good in my early manhood, should be appreciated by my children; for they and their dear mother received the benefit of it in after years, for thereby I was made a better husband, and a better father.

While the examination of the students of the college was progressing, at the close of the term preceding the commencement, I frequently attended, and occasionally put some questions.

Mrs. Foot, early in the day before her death, appeared somewhat better, and I went to the church and delivered the address I had written. This address was received with unex-

pected favor. The first edition having been exhausted, a second and larger one was printed and sold. It is No. 16 of "Papers Written by me." There are appended to it, the notices taken of it in the public journals and periodicals. In addition to these, I received a large number of complimentary notices of it in letters from friends.

One from the Hon. R. H. Walworth, late Chancellor of this state, will be found in a note at the foot of this page. He has now (March, 1868) gone to his rest and reward. His services as Judge and Chancellor of this state were long and valuable. His decisions and opinions as Chancellor fill no less than fourteen volumes of reports. They deservedly rank among the ablest and most reliable in this country. They show just what he says in his letter, and what he has often said to me in social intercourse, (for we were intimate friends, as I have before stated, from early manhood), that he constantly felt the want of an early and thorough education. His opinion on that subject is entitled to the highest respect.

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ALBANY, August 31st, 1839.

DEAR SIR:

I have just finished the perusal of your address delivered before the societies of Geneva College, with which I confess I am highly gratified. Having through life most deeply felt the want of an early and classical education, which appears to be as essential to the attainment of highly interesting and persuasive colloquial powers, as to the acquisition of the art of good public speaking, I can fully appreciate the advantages to be derived from the possession of the forensic talent, as well as the latter. I am also well satisfied that conversational talent, though generally supposed to be the peculiar gift of nature, is not such in reality; that it may be acquired with comparative ease by a proper course of instruction in our primary schools and other seminaries of learning; and much may be done in the social family circle by a little attention to the subject by well educated parents. As but few children among us, however, can have the benefit of the latter mode of instruction, it becomes the more important, that those, who are intrusted with the education of our youth of either sex, should qualify themselves for the task of cultivating conversational talent among their pupils.

I remained in Geneva till the 5th of September. My friends were kind and attentive. They warmly sympathized with me in my bereavement, and I enjoyed and was consoled by their society. My time was passed in social intercourse, riding, walking, occasionally rowing on the lake, and reading—mostly in my Bible and books of a religious character; while there I superintended the printing of my address, which the societies before whom it was delivered had decided to publish, and requested of me a copy for that purpose. The manner of passing portions of my time and the current of my thoughts during this month at Geneva, will appear by and by when giving an account of my religious exercises.

Mr. and Mrs. Fowler, their daughters, Louisa and Mary, and I, left Geneva in carriages on the morning of the 5th of September for Albany. We went by an interior route, through Ithaca, Green, Unadilla, Cooperstown, Cherry Valley, and Schoharie to Albany, where we arrived on the 12th of September.

This journey was through an interesting portion of our state, not often visited by travelers. My children will find a full account of it in my diary. I turned out of our way in Chenango County to visit an only surviving paternal uncle, but unfortunately, he was from home on a visit. I, however, saw his daughter, my cousin, and her children.

After remaining a few days in Albany, I went to New York on the 16th of September, and on the previous invitation of a friend, who met me on the dock on the arrival of the boat, I went to his house and remained with him and his family till the 20th, when I returned to Albany. While in the city many of my friends called upon me, and I went daily to my office and paid some attention to business. I went once with my friend to my own house, and walked through it, feeling deeply the absence and loss of Mrs. Foot.

I remained in Albany only a couple of days, and then returned to the city, and took possession of my own house. My sister-in-law, Louisa, came with me, and in a few days her

mother came. They remained with me till the 8th of October, when they returned to Albany.

My nephew and partner, Henry E. Davies, on my invitation, became a member of my family, when I resumed the occupation of my house. When that occurred, I again devoted myself to my profession. My time from then to the end of the year was mainly given to it, and in the city. I went to Albany, however, on business four times, viz., on the 4th of October, 22d of November, 6th and 19th of December; but each time to argue a single cause, and was consequently detained only a day or two on each occasion.

I received a good many visits from friends, and visited occasionally those with whom I was most intimate. My daily exercise was walking on the Battery, when the weather would allow, and generally alone, though I sometimes met friends there, and walked and conversed with them. My sister, Mrs. Scovill, made me a visit of eight or ten days at the end of October and beginning of November. While she was with me, I allowed myself a respite from professional labor from the 2d to the 7th of November, on a visit to our relatives at West Point and Albany.

Politics still engaged my attention to a limited extent. Before going to Geneva, and after my return, I maintained an active correspondence with prominent members of our party. Copies of some of my letters to them, and some of their letters to me, are among my letters of this year. I also often attended in the evening small meetings of political friends in the city for consultation.

I will now give an account of my spiritual exercises and progress, that my dear children may see, how gradually, yet how steadily and effectively, and by what instrumentality, the spirit of my God wrought a change in my heart, and brought me into the fold of the divine Shepherd. This account will be given from entries made in my diary as my progress advanced.

The following entries, in addition to those before given in this biography, will show the state of my religious feelings before leaving New York for Geneva :



April 15th, Sunday. After giving an account of the manner of spending the day.—“On the whole, I passed the Sabbath in a better manner than usual, and I return thanks to my Heavenly Father for leading me to a consideration and examination of those things, which relate to my future destiny.”

May 13th, Sunday. After an account of the way in which the Sabbath was spent, in which I mention that my thoughts in church “wandered from the duties of the day to the topic of my intended address at Geneva,” I say—“The day was poorly spent, and the record of it shows me, how miserably devoted I am to the concerns of this life. I hope my Heavenly Father will have mercy and forgive me for my Redeemer’s sake.”

May 28th, Monday.—“I began my address this evening, and I pray my Heavenly Father to smile upon and bless this attempt at usefulness in a new sphere.”

August 3d, Friday. The day after Mrs. Foot’s death.—“Last evening at my own request I made a prayer before the family, and with God’s blessing, I hope to make such preparation as will enable me to die as my beloved wife did, at peace with God and man. \* \* \* The Rev. Henry Dwight, of this village, came in this evening and conversed nearly two hours with me, on the subject of redemption by the Saviour. He presented it in several new lights to me, and made my dear Redeemer appear more precious than my own previous reflections had done, and also the plan of salvation more reasonable and consistent with the principles of criminal law, than I had been in the habit before of regarding it. Indeed, I had never tried to test it in that way. I this morning again made a prayer in the presence of the family.”

August 4th, Saturday.—“The morning of this day was passed by reading in the Bible given me by my dear Mariam, reflecting on her memory and topics allied to it. \* \* \* After dinner I took a long stroll in the woods, and most of my reflections were directed to the memory of my departed wife, and to my Christian hopes. \* \* \* I made the prayer for the evening.”

August 5th, Sunday.—“This morning I commenced, what I intended to pursue, and shall note any material departure from it, viz., to read a chapter in the little Polyglot Bible left to me by my dear departed wife, and offer a silent prayer. I did the same before going to rest last night, but to this I shall not probably adhere

so steadily, as the fatigues of the day and evening, and the engrossment of my mind with business may render it often at night in an unfit frame for such a duty."

August 17th.—"This is the anniversary of my wedding. Fourteen years ago to-day, Mrs. Foot and I were married. We had nearly fourteen years of happiness and prosperity. She died only fifteen days short of this time. I thank my Heavenly Father for his goodness in this respect, and entreat that He will not leave me nor forsake me in my loneliness, but for Christ's sake pardon and receive me, and guide and direct me in all my ways."

August 26th, Sunday.—"I passed the day only tolerably well. My thoughts would steal from heavenly objects to earthly ones. I pray my Heavenly Father to forgive me for this abuse of his holy day, for my Redeemer's sake. \* \* \* I commenced some days since, as I mentioned, regular reading of the Bible in the morning. I find it most happy for me, and have added to it, Jay's Exercises, which are excellent."

September 23d, Sunday.—"The sacrament of the Lord's supper was administered in our church this morning. In the course of the exercises, Dr. Phillips alluded affectionately and complementarily to my dear Mariam. This Sabbath has been passed by me better than any previous one. My thoughts were generally right, while at home, and pure and holy while in church."

September 24th, Monday.—"Read in the Bible and Jay's Exercises, in company with Louisa, also prayers with her. \* \* \* In this manner I intend to spend all my mornings as long as she remains with me."

September 25th, Tuesday.—"This evening, for the first time in my life, I read a chapter and made a prayer with Louisa before going to rest."

October 14th, Sunday.—"Came to a conclusion yesterday, to read the Old Testament through carefully. Read the first chapter of Genesis this morning, and Scott's notes upon it."

October 21st, Sunday. After an account of the manner of spending the day.—"At the close of the evening, my love for my Saviour was more sensible to me than ever before."

November 28th, Wednesday.—"The evening was spent in conversation with Dr. Phillips, who passed it with me by appointment. Our conversation was interesting."

December 4th, Tuesday.—“Called by appointment on Dr. Phillips, and expressed to him my desire to join the church on the next Sabbath. He is to propose me to the session to-morrow. This is an important step, and I fear too hastily taken, though it has occupied my thoughts at times for years. I trust in the atonement of my dear Redeemer, and rely upon Him to sustain me. O my Heavenly Father, wilt thou not leave me, nor forsake me, nor let me dishonor thy cause; and when thy will is done as to me here below, take me to thy mansion in heaven, for Christ's sake.”

December 9th, Sunday.—“I joined the church this day, and for the first time partook of the Lord's supper. O God, help me to carry myself through life as becomes one of thy avowed children. I place my trust on thee and in the merits of my dear Redeemer.”

My sister-in-law, Louisa Fowler, now (1868) Mrs. Bartlett, of Boston, Mass., a lady of talent and piety, and was so in the year 1832. She was of great service to me in directing my thoughts heavenward after her sister's death.

The following entry was added to my diary at the close of the year :

“I ought to add, that my sister-in-law, Louisa Fowler, has been a sincere friend, and faithful counsellor to me since the death of my dear Mariam, and an efficient instrument, under God, in bringing me into his visible church. For this I feel grateful to her, and here record my thanks.”

December 17th, Monday. My birthday.—“I have passed this day better than usual. My thoughts have been usefully employed during almost the whole of it. It is my birthday, and I have resolved on a better use of my time, talents, and information. Last night I commenced prayers before *all* my family, and, God willing, shall continue them. I commenced this day my forty-third year. What a long and unprofitable life I have led.”

December 31st, Monday.—“This day finishes another year. The manner in which I have spent it, and the scenes through which I have passed, are recorded in this diary. While my Heavenly Father has sorely afflicted me, He has been most merciful, and thanks be to his name, for having called me into his spiritual

family, and led me to hope, that I shall have the holy and indescribable pleasure of meeting my dear wife and daughter in His Heavenly mansions. I pray God to forgive my numerous offences during the past year, and preserve me from evil during the coming one, for Christ's sake."

With all the sanctifying influences above described, surrounding me, and pressing me into a holy and useful life, I yet was far from reaching the true standard of Christian duty, as the following entries in my diary will show :

September 2d, Sunday.—"I read some during the day, but on the whole it was not spent as it ought to have been. I will, if my life is spared, spend the next Sabbath in a more becoming manner."

November 13th, Tuesday.—"I have latterly passed, or rather wasted, a great deal of time in idle musing, which I must and will correct."

November 26th, Monday.—"From this day forward, I am resolved to be more self-denying in respect to my food, and, indeed, to be temperate in all things."

December 23d, Sunday.—"The day was tolerably well spent. I was beset frequently with vain and idle thoughts. I pray my Heavenly Father to give me grace, and the powerful influence of the Spirit to subdue this besetting propensity."

### 1833.

My professional engagements this year were similar in character to those of the previous year or two. Whatever change there was, consisted in their increased importance. They occupied about the same amount of my time. They were confined mainly to the city, yet took me more frequently to Albany, and kept me there longer than in the previous year, and once to Saratoga Springs, before the Chancellor, at his residence.

My social duties and enjoyments occupied a considerable portion of my time. My relatives and a few intimate friends

out of the city visited me and lodged at my house, more than usual. A few of my most intimate friends in the city, both ladies and gentlemen, occasionally dined, took tea, or passed an evening with me ; but my principal visiting was with my friends in the city at their residences. They were very kind and attentive to me. While I attended no large parties, I often dined, took tea, and passed social hours and evenings with them. All these visits are mentioned in my diary, and if my children look at them, they will see, that my associations were of the best kind ; and they will also see, that to some extent, they were this year of a religious character.

On Monday evening, the 11th of February, I called to see your aunt Eliza, having previously become acquainted with her. She introduced me to her father, and the members of his family. Among them, was her sister, Jane, your dear mother. This was the commencement of an acquaintance which ripened into an attachment, and was crowned with uninterrupted conjugal happiness for thirty-two years and upwards. Before this introduction to your mother, I had noticed her often at church, where her lady-like bearing and pleasant expression of face had attracted my attention.

Latin and French received no attention from me as studies this year. My mornings were passed in the manner hereinbefore stated.

Politics took up but little of my time. Anti-Masonry had accomplished its main object, viz., the destruction of Masonry as then organized, and did not furnish a basis, or object, for a continued and successful national party.

The colonizing of the free people of color continued to interest me. I attended the meetings of the managers of the society, and gave the enterprise what aid I could.

Being always a lover of music, singing became, after I united with the church, one of the most agreeable and acceptable parts of worship, and I earnestly desired to be able to engage in it. Although without any natural adaptation to the performance of music, I yet resolved to make an effort to learn to sing, and for that purpose, early in February, employed the

chorister of our church to attend me at my house and teach me to sing. He did so. I applied myself vigorously to the study of music, beginning with the elements. My teacher continued his attendance and instruction, whenever I had an evening to give him, until the beginning of July, when I left the city for my summer's recreation. I acquired a thorough knowledge of the rules and principles of music, and succeeded in learning to sing several of the tunes which were used in the services of our church, but failed to become an adept, and at last, had to acknowledge that music was an art beyond my power to acquire.

Early in January, I was invited by "The Mercantile Library Association" to deliver a lecture in their winter's associate course.\* I accepted the invitation.

The subject on which I was requested to lecture, was "The Influence of Mercantile Character on our Political Institutions." This necessarily led me to inquire what was "True Mercantile Character." The subject of my lecture hence became "True Mercantile Character, and its Influence on our Political Institutions." It was too long to be delivered at one time. The first part was delivered on the evening of the 8th, and the other on the evening of the 14th of March. The audience was large, and the lecture was received with great favor. The

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\* This course was announced as follows:—**MERCANTILE LIBRARY ASSOCIATION.**—The directors of this most valuable institution, with a zeal and intelligence worthy of their great object, have made arrangements for continuing through the coming winter, the lectures that were so numerously attended, and gave such general satisfaction last year. We understand that it is their intention this season, in addition to the regular, to have an associate course, consisting of two lectures on Mental Philosophy, by the Hon. G. C. Verplank; one by Professor Torrey, on Gas Illumination; two by Professor McVickar, on Moral Science; two on Usury, by W. B. Lawrence, Esq.; one or more by Professor Douglas, on Architecture; and concluding with two discourses by S. A. Foot, Esq., upon the Influence of Mercantile Character on our Political Institutions. Professor Vethake will deliver the regular course, the subject of which will be History. An Introductory Lecture by the Rev. Dr. Matthews, will be delivered on Friday.

Association awarded me their thanks.\* The lecture was afterwards published at the request of several prominent and influential merchants and widely circulated.

It is No. 17 of "Papers Written by me." Appended to it are some notices of it in the public journals.

Early in January, I was requested to address a public meeting, called to aid in circulating the Bible in foreign countries. I declined, as I say in my diary, "because I did not think it became me to be conspicuous as a professing Christian, while as actively engaged as I was in my profession, lest I might dishonor my Master's name." A few days afterwards, my pastor, the Rev. Dr. Phillips, proposed to me to lead occasionally in prayer at our prayer meetings; and early in March solicited me to accept an eldership in our church, both of which I declined, for the same reason, that had restrained me from making public addresses at religious meetings. In all this, I greatly erred. More correct views of my duty, and probably stronger and more unreserved love for my Saviour induced me in subsequent years, freely to take a part in prayer meetings, make addresses in religious assemblies, and accept an eldership in the church.

As soon as the canal was opened in the spring, Mrs. Foot's remains were removed from Geneva to Albany. My brother-in-law, Prof. Webster, accompanied them. I met him with them some miles west of Schenectady, relieved him of the

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\* Their thanks were communicated in the following note :

NEW YORK, April 8th, 1833.

SAMUEL A. FOOT, Esq.

SIR :—I have the honor to hand you a copy of a resolution, unanimously adopted at a regular meeting of the Board of Direction of the Mercantile Library Association, held at Clinton Hall, April 6th, 1833.

"Resolved, That the thanks of the Directors be communicated to Samuel A. Foot, Esq., for the eloquent and interesting Lectures, recently delivered by him, before the members of the Mercantile Library Association."

By order,

JAMES M. PEASE, Secretary.

charge, and attended them to Albany. They were interred, on the 29th of April, by the side of those of our little daughter, as I have already mentioned.

On the 15th of June, I purchased a horse and light buggy wagon. Previous to that, my exercise was, as usual, by walking on the Battery, generally alone, but occasionally met friends there and walked and conversed with them ; but afterwards my exercise was divided between walking, and riding, either on horseback, or in my wagon.

On the 3d of July, I went out to Eastchester, and spent a couple of days at Mr. Fowler's, to avoid the noise and bustle of the city on the 4th, and recreate. I fished and rambled over the fields. On the 10th of that month, I left the city in my wagon with a servant, for my summer's recreation. My first stop was at Eastchester, at Mr. Fowler's, where I staid two days, one of which was passed with some friends in the neighborhood. From there I crossed over to Greensburgh, on the Hudson river, and spent three days with my friends, Mr. and Mrs. Constant, who had a beautiful place on the bank of the river. This visit was a very pleasant one. Mr. Constant and I spent nearly the whole of one day fishing for trout, and with fair success. From Greensburgh, I proceeded up the river to Peekskill, stopping at Sing Sing to see the prison. I dined there with some friends at the hotel, and after dinner, visited my friends, General and Mrs. Aaron Ward. From Peekskill I passed through the Highlands to Fishkill. The scenery on this ride was impressive. I stopped at Fishkill only to dine, and then went down to Fishkill Landing, where several of my intimate lady friends from the city, were passing the summer at lodgings. I called on them. We took a ride to the cascade. After viewing it, we rode to Breakneck Point. The ride was charming, and the landscapes magnificent. I took tea and spent the evening with them. My diary of that day, being Wednesday, the 17th of July, ends as follows :

"The day has been beautiful. I have seen a succession of splendid landscapes, and the abundance and fullness of the



earth. Fishkill and the surrounding country are magnificent. O God, how rich and merciful are thy provisions for thy creatures !”

I passed another day with these friends at the Landing, and visited with them some mutual friends across the river at Newburgh. On the morning of the 19th of July, I left Fishkill, proceeded over the hills, across the country to Watertown, Conn., to visit my sister Scovill and her husband, and arrived there the next day in the afternoon. The residue of the month was spent at this, my native place, visiting, receiving visits, reading, fishing, riding, walking, and making short excursions in the vicinity with my sister and the members of her family.

On the 1st of August I left Watertown for Albany, and arrived there the next day in the afternoon. My stay in Albany continued till the 12th of August. While there I argued a couple of causes, and went up to Saratoga Springs, and argued another before the Chancellor at his residence. I also superintended the erection of a monument, previously ordered, over the remains of Mrs. Foot and our little daughter, and saw it completed.

On leaving Albany, I took leave of Mr. and Mrs. Fowler, and said to them, if I did not visit them thereafter as often as I had done, they “must not attribute it to any diminution of my interest in, or respect for them.”

I went up to Ballston to visit my nephew, James Edwards, and his family, and my niece, Mrs. Booth, her husband and family, and remained there till the 23d of August. While there, I went up to Corinth to visit my brother-in-law, Isaac Edwards, and his family, and passed a day with them.

On the 23d of August, I returned to Albany, spent a few hours visiting my relatives, put my horse and wagon, and went myself, on board a steamboat, arrived in New York the next morning, and “found my family and property all safe, and myself in good health.”

My children will find in my diary an account in detail of this journey. It closed my recreation for the year, except when on my way to Albany on professional business in Novem-

ber, I stopped at West Point, and passed a day with my relatives and friends.

While passing a few days in Albany on professional business, at the close of October, I attended a temperance meeting on the evening of the 31st of that month, at which the duty and advantage of signing the temperance pledge were discussed. Being convinced that it was my duty to sign the pledge, I did so, although I had acted on it for years.

"The New England Society of New York," this year, celebrated the anniversary of "The Landing of the Pilgrims," on the evening of the 23d of December, the 22d being Sunday. I attended, became a member of the Society, and to my surprise, was that evening elected their first Vice-President. The President being absent, I presided at the dinner, and for the first time in my life asked a blessing in public. In response to a complimentary toast, I delivered a short address.

My deficiencies as a Christian seemed to me this year to have increased, but whether they did so in fact, or not, they certainly became more apparent to me. I often deplored them, prayed earnestly for forgiveness, and for divine aid in living a holier and better life. My greatest delinquencies seemed to be in keeping the Sabbath holy. Only a very few of my Sabbaths were satisfactorily spent. Yet there were times, when communion with my God was near, sweet and refreshing to my spirit, and when my love for my Saviour was ardent and absorbing. My spiritual life was a constant conflict, in which the natural evil of my heart, and my worldly-mindedness, resisted all holy influences, and so effectually, as sometimes to lead me to fear, that I had not been "born again."

The entries in my diary, which were faithfully made, will show all this. I will give a few of them :

January 20th, Sunday. After a statement of the manner in which the day had been spent.—"I find that I draw nearer to my God and Saviour, and take greater pleasure in His service. For this I thank my Heavenly Father."

January 27th, Sunday. After stating the manner of spending the day.—"My thoughts were not devoted to the duties of the day

as they ought to have been. I have to throw myself on this, as on other occasions, upon the mercy of my Heavenly Father, and the merits of my Redeemer."

February 17th, Sunday. After an account of the day.—"Spent the Sabbath better than I have for some time before, though by no means as well as I could wish."

May 4th, Saturday.—On my return from Albany, where I went near the end of April, to receive the remains of Mrs. Foot on their arrival from Geneva, and attend them on their re-interment, I stopped at West Point a couple of days with my relatives and friends, and reached home on the morning of the 4th of May. My diary of that day closes as follows :

"For the preservation of my health, the continuance of my life, being permitted to enjoy the society of my friends and relatives, and return in peace to my home, I thank my Heavenly Father, and pray Him, for my Saviour's sake, to forgive all my offences."

July 10th, Wednesday.—"On leaving home to-day, I saw many evidences of the value I am to my business friends and others. I thank my Heavenly Father for the many favors he has bestowed on me; desire to commit myself unreservedly to Him, and pray Him, for my Saviour's sake, to watch over me, pardon and finally accept of me."

August 2d, Friday. The first anniversary of Mrs. Foot's death. —"My thoughts and reflections during this day were pure, and as they ought to be, most of the time. They were often directed to the memory of my Mariam. I thank my kind and Heavenly Father, that He has carried me through a year of loneliness, and deep suffering a portion of the time, without permitting any serious misfortune to assail me. I entreat Him, for my Saviour's sake, to forgive my many offences, and continue His care and protection over me."

September 22d, Sunday. Will give the whole of my exercises this day :

"This day was one of special service in our church. The communion was administered. I had deep apprehensions of my unworthiness, but in the course of the day had clearer views of my Redeemer's offices than ever before. The day was devoted to

reading and reflections suitable to it. I was disturbed by worldly thoughts crowding in upon me, but on the whole, was greatly benefited by the services of the day."

October 20th, Sunday. Will give the day in part.—"The cause in which I was engaged the three last days of last week not being through, it rested on my mind and kept the subjects peculiar to the day out of it more than usual. I pray my God, for my Saviour's sake, to forgive me this violation of his commandment, "to keep the day holy."

December 22d, Sunday. After a full account of the way in which the day was spent, I say:—"Thus it appears, that I have spent this Sabbath better than I have done before to my recollection, and I thank my God for it."

December 31st, Tuesday.—"This day ends another of my years. It has been filled with mercies to me, and sins by me. It has taught me more fully the weakness and wickedness of my heart, and led me to more fixed resolutions for amendment. It has also been full of incidents, which have taught me the goodness and supervision of my God. I thank Him for his mercies and goodness, and pray Him to take me more wholly to Himself, for my Redeemer's sake."

I will conclude this year with some entries in my diary, showing my efforts for amendment.

August 18th, Sunday.—Was at Ballston, and heard an able sermon from Mr. McMasters. It led me to reflection, and the following entry in my diary:

"My last year has been in many respects unsatisfactory to me. Many hours have been most unprofitably spent. I shall endeavor to amend in this respect, and when I return to my dwelling, hope, that with God's blessing, I may live more in accordance with his word."

August 25th, Sunday. After mentioning that I had taken a short nap in the intermission, I say:—"This practice of sleeping in the daytime, I am resolved to overcome."

December 17th, Tuesday. My birthday.—"This being my birthday, I have given considerable reflection to my course of life, and find too much to condemn. My deficiencies almost overwhelm me. Once more, with God's help, I solemnly resolve to amend.

O my Heavenly Father, do not enter into judgment with me, but give me thy grace and aid to amend my life. I ask it for thy dear Son's sake."

## 1834.

This year was distinguished by an event, which laid the foundation of the family of which, my children, you are members. That event was my marriage with your mother, on Tuesday, the 1st day of July. Some other less marked events occurred during the year, but which, nevertheless, had their influence on my character and usefulness. Prominent among them was the overcoming of my reluctance to address public assemblies on religious topics. All these events will be mentioned in this account of the year.

My time in the city was spent, mainly, as in the preceding year, and divided nearly in the same proportions between my profession, social duties, and general reading. My social duties, after your mother and I returned from our wedding tour and commenced life together in the city, required some more of my time than theretofore, as our circle of friends and relatives were increased by the addition of hers to mine.

Professional engagements took me from the city only three times during the year. Twice to Albany, from January 8th to February 1st, and from November 22d to December 2d, and once to Poughkeepsie, from the 18th to the 25th of October.

A few duties, which partook somewhat of the character of public trusts, took up some portion of my time this year. I was on a committee in February to prepare a new constitution and body of by-laws for the New England Society. I drew them and reported the by-laws to a meeting of the officers of the Society, on the evening of the 4th of March, when they were adopted. The officers supped together that evening. I presided, the President being absent, and asked a blessing, saying "as we claimed to be descendants of the Pilgrims, we would not neglect the best part of their example." In the

course of the evening, I delivered a short address. In December, I was chairman of a committee of arrangements of that Society, for the annual celebration and dinner on the 22d of that month. The toasts and letter of invitation to guests were written by me.

To give my children a true type of New England sentiments at that time, I have placed among "Papers Written by me," a copy of the toasts and letter of invitation, and added answers to the invitation from ex-Presidents James Madison and John Q. Adams, Chief Justice Shaw, and Daniel Webster. They are No. 18 of "Papers Written by me."

I was elected a trustee of our church, accepted the trust and entered upon its duties on the 16th of May. Our church edifice was destroyed by fire on the evening of the 13th of September. The erection of a new one required the time and attention of the trustees. I attended their meetings, some of which were held at my office.

The managers of the City Colonization Society, having determined in February to issue an address to the public, I was requested to prepare one, and was appointed chairman of a committee for that purpose. I wrote one and read it to the Board of Managers on the evening of the 17th of February. They adopted it unanimously. It was signed by the President and Secretary of the Society, and published in pamphlet form. The Board introduced it to the public by the following preliminary statement :

"At the same meeting, (a meeting held to establish a new Settlement in Liberia, to be called "New York"), Samuel A. Foot, Esq., from a committee previously appointed for the purpose of reporting the draft of an Address to the public, on the subject of the affairs of the parent society at Washington, and the operations of this society, both present and in prospect, made the following report on those subjects, which was read, and unanimously adopted."

This address is No. 19 of "Papers Written by me."

Subsequently, and on the 26th of February, a public meeting of citizens friendly to the colonization cause was held, at which I took a prominent part.

The following is the account which the Society published of the part I took :

“ Samuel A. Foot, Esq., then offered the following resolution :

“ *Resolved*, That this meeting approve the principles upon which the proposed new colony is to be founded, the direct tendency of which will be, to rear a temperate, religious, and agricultural community.

“ Mr. Foot, in support of this resolution, proceeded to state the principles upon which the society had determined to found the contemplated colony, and the particulars in which they differed from those, which had heretofore been followed by the parent society :

“ *First*. In respect to the character of the emigrants. The parent society for many reasons had not been able always to exclude from Liberia, every person, who was not well qualified for establishing a new settlement in a pagan land ; and consequently, too many persons of idle habits and loose principles had found their way to the colony. And although they were not sufficiently numerous, materially to retard the prosperity and usefulness of the colony, yet the effect of colonization in Africa would have been more benign on the surrounding population, if fewer persons of this description had been admitted into the colony. This disadvantage the New York society had resolved to overcome, and *permit no person to enter their colony, whose moral character was not unquestioned and above reproach*, and as far as they were able, they intended to procure emigrants of religious principles.

“ *Second*. In respect to temperance. The parent society had not been able, heretofore, to insist, as a rule, that no person of intemperate habits should emigrate to their colony, nor enforce a prohibition against a traffic in ardent spirits. The importance of rigid regulations on this subject had now become apparent, and it was believed to be the determination of the general society hereafter, to enforce strict rules in respect to the habits of emigrants, and the traffic in ardent spirits.

"But the New York society, beginning a new settlement, with the advantage of the experience of the parent society, *had determined not to admit an adult into it, who was not avowedly an advocate and practiser of temperance.*

"*Third.* In respect to dwellings and the provision for emigrants on their arrival in Africa.

"It had been customary, heretofore, to place the whole of any company of emigrants, who should arrive in a ship, in a large building, to undergo their seasoning, where they were fed, and the sick nursed and provided with medical aid at the public expense, and where they were permitted to remain six months, before they took possession of their own residences. It is believed to be a decided improvement on this plan, to provide each family, before their arrival in Africa, with a separate residence, and allow them there to attend upon each other, and if they shall require it, give them there such assistance as they may need.

"The colony already established in Africa is more commercial in its character, than is supposed is most beneficial for the emigrants, or the neighboring population. It is therefore intended, and, indeed, resolved upon by the New York society, to give their colony a decided agricultural cast, and to make agriculture the controlling, and almost the exclusive, occupation of their colonists.

"With these views, they intend to send out this spring, a company of pioneers to survey and mark the boundaries of their colony,—divide a section of it into farms of a convenient size, and erect dwellings, and make other suitable arrangements for the reception of emigrants in the fall,—provided their plan meets the approbation of their fellow-citizens, and they are furnished with means to carry it into execution.

"Mr. Foot presented several more outlines of the measures which the society intended to pursue, and of the benefits which they expected would follow them,—and particularly called the attention of the meeting to the benefits which an agricultural, moral, and religious community in Africa would confer upon that unhappy continent, and also on the more enlightened and elevated portion of the people of color in this country, as it would open a field for the exertion of their talents, and the enjoyment, in freedom and independence, of the fruits of their industry. But we



have not room for a full statement of all the subjects to which he drew the attention of the meeting.

“The resolution offered by Mr. Foot was adopted.”

At the earnest request of the Rev. John Breckinridge, who was the corresponding secretary and general agent of the Board of Education of the Presbyterian church, I consented to deliver an address at the anniversary of the Board, to be held in New York, on the 6th of May, and did so.

An outline of this address is No. 20 of “Papers Written by me.” To it is appended a letter from Mr. Breckinridge, showing his opinion of it, and urging a copy for publication, which I declined.

In compliance with a request from the managers of the American Bible Society, I delivered an address at the anniversary of that society, held in New York on the 8th of May.

I furnished a copy substantially of this address, for insertion in the account given and published by the society of the proceedings at this anniversary, which was printed in pamphlet form and widely circulated.

It is No. 21 of “Papers Written by me.”

My exercise this year, as last, was by walking on the Battery and riding on horseback, or in my wagon. During the spring, I visited your mother often—rode with her occasionally before, and frequently after, our engagement, which occurred on the 31st of May. Your mother was reluctant to marry so soon as one month after our engagement, but July and August were the only months I could spare for a wedding tour. My health also required cessation from business and recreation during those months. Under these circumstances your mother yielded to my wishes, and we were married, as already mentioned, on the 1st of July. Our pastor, the Rev. Dr. W. W. Phillips, married us. Your mother and her family being in mourning, we had a quiet, unostentatious wedding. Only the relatives on each side, and a few intimate friends were present. The following is my diurnal record: “All things passed off agreeably. Henry (my nephew, H. E. Davies), stood by me, and Eliza (your aunt Eliza), by her sister. I felt sincere

gratitude to God for his goodness, and prayed, I hope acceptably, for support, protection, and his continued blessing."

At 12 o'clock M. we left the city on our wedding tour, intending as the culminating point of it, a visit to my sister, Lane, and her family at Lawrenceburgh, Indiana, and the White Sulphur Springs in Virginia, our first prolonged resting-place. Mrs. Foot's sister, Eliza, her cousin, Sally Duyckinck, my sister-in-law, Louisa Fowler, and my friend, Lieutenant-Colonel Lucien B. Webster, U. S. A., were to accompany us to these Springs. We went the first day to Philadelphia. My nephews, Prof. Charles Davies and Henry E. Davies, and my brother-in-law, Rev. Philemon H. Fowler, accompanied us to Philadelphia. We spent the next day there, a happy party, enjoying each other's society, visiting and receiving visits from a few friends, and looking at some objects of interest. The next morning, Thursday, the 3d of July, the party bound for the White Sulphur Springs, took leave of my nephews and brother-in-law, and left Philadelphia for Baltimore, where we arrived in time to dine. After dinner and some rest, we took a walk to Washington's Monument, ascended it, and enjoyed the views from it.

The following are extracts from my diary of the day :

"We had a charming day. Our sail down the Delaware bay, and our ride on the railroad from Newcastle to Frenchtown were delightful. Our sail down the Chesapeake bay was pleasant, although the heat, for a short time, was rather oppressive. Independent of that, it was agreeable throughout. After we entered Patapsco river, there came up a heavy thunder-shower, which cooled the air, and gave variety and magnificence to the scene. There are few displays of the power and goodness of the Creator, which surpass in impressive grandeur such a shower. It ceased in time for us to see the approach to Baltimore. \* \* \* An attempt to describe the various objects, presented in the different views (from the top of the monument) would require a book. Suffice to say, that they furnished us with a great variety of water and land scenery, and an imposing display of the works of God and man. \* \* \* How abundant are the mercies of our God

in so prospering us, as to give us the means of journeying through this great country, and in the society of dear relatives and friends, thus meeting with frequent opportunities for improving our knowledge, and receiving the highest of earthly pleasures."

We spent the next day till near the close of the afternoon at Baltimore. We then left and rode on the railway to Ellicott's Mills, where we lodged that night. The day was happily spent. After breakfast we went to the Roman Catholic Cathedral, and passed some hours looking at a couple of impressive paintings, and listening to some charming music. I wrote several letters. We had an interesting dinner. It being the anniversary of our national independence, Misses Duyckinck and Fowler prepared some excellent toasts, which we drank. Some volunteers were also given and duly honored. Our ride to Ellicott's Mills was along the bank of the Patapsco river, which presented a succession of beautiful views. The scenery was not bold, yet pleasing.

My diurnal record closes as follows: "After tea we passed the evening in conversation and music. Most of the latter was sacred, and to me touching and impressive. We were all in excellent spirits the whole day."

The next day we passed through the valleys of the Patapsco, Monocacy, and Potomac rivers to Harpers Ferry. We went by railroad to Point of Rocks on the bank of the Potomac, where we dined, and from there on the canal. The day was beautiful and our journey a pleasant one. The scenery to the Potomac was picturesque, and along it to Harpers Ferry, bold and magnificent. We passed the next day (Sabbath) at the Ferry. Soon after breakfast, we took books and some refreshments, crossed the Shenandoah river, found a shady place by the side of a spring, and there spent the day till 1 o'clock P.M. in religious exercises. Near the close of the afternoon, we walked and conversed; we went to the point of land at the junction of the Potomac and Shenandoah rivers. The views from there are grand and imposing. The Rev. R. R. Gurley, with whom I was acquainted, joined us in the afternoon, and spent the evening with us. The next morning we

left Harper's Ferry in a carriage, and proceeded south-westerly through the Shenandoah valley to Staunton. We lodged the first night at Middletown, the next one at Harrisonburg, and reached Staunton in the afternoon of the third day, Wednesday, the 9th of July. The ride through this valley was pleasant and interesting, with one exception, and that was, the badness of the road. The land is fertile, and was highly cultivated. The Blue Ridge on the east, and the Alleghany mountains on the west, were in sight nearly all the way, and presented impressive views.

We remained in Staunton till the next morning. When that came, our traveling companions started early for the White Sulphur Springs by the way of Lexington, Fincastle, and the Sweet Springs, taking the Natural Bridge in their route. Mrs. Foot and I, later in the morning, left Staunton for the same destination by the main western route. We reached the Warm Springs at sundown, remained over night, and bathed in this inimitable and wonderful natural warm bath. I made the following diurnal record of this day: "The ride this day was in all respects delightful. The scenery was bold and impressive, particularly over the Warm Spring mountain. It surpassed any, either of us had ever seen. When near the top of the mountain, the distant view was like that of the ocean in commotion, and reduced in that state to a solid. This idea was given us by Judge Cabell, of Richmond, Va., who, as well as Chapman Johnson, were our fellow-travelers. We found them as interesting companions, as we knew them to be distinguished for their talents and virtues."

The next day, with the same traveling companions, and some others, also intelligent and agreeable, we started early, crossed Alleghany mountains, and arrived at the White Sulphur Springs in time to dine. The scenery was still bold and impressive, and our ride delightful.

Through the kindness of Judge Cabell, we were furnished with good quarters. He also introduced us to some agreeable acquaintances. At the close of this day's diary, I say:

"Our journey thus far has been most interesting and free from any known peril. We would give thanks to our God for his care and preservation of our lives and health, and pray him to take us into close communion with him."

Our friends and relatives arrived the next day (Saturday, July 12th), in the afternoon. They remained with us over Sunday, and left for home on Monday morning. Mrs. Foot and I remained at the Springs till the following Tuesday afternoon, when we left on our way to Lawrenceburgh.

While at the Springs, I met several distinguished gentlemen, whom I knew, among them Henry Clay, and by them was introduced to others. Our time at the Springs was passed most agreeably. We were visited by all our acquaintances. They paid us marked attention. Mr. Clay gave us a warm letter to his relatives in Kentucky, to use if we visited that state.

My diary contains a full account of the gentlemen and ladies of our acquaintance, whom we met at the Springs, and of those to whom we were introduced, also of our mutual visits. My children may take pleasure in reading it.

We rode only to Lewisburgh, about nine miles, in the afternoon we left the Springs. Judge Cabell and Mr. C. Johnson were at Lewisburgh attending court. They called on us, and we passed a part of our evening pleasantly with them. The next day we rode sixty-five miles over mountains and through an unsettled country, to the valley of the Great Kanawha river. This ride was interesting. The forests were heavy and impressive. Just before nightfall, we struck the New river, which is the principal branch of the Kanawha. We approached it at the point, where it breaks through the Gauley mountain, which is the most western range of the Alleghany. At this point, the scenery is truly grand. It far surpassed any I had ever seen before. We left the coach, and went to the brow of a precipice called the "Hawks' Nest," which is 784 feet perpendicularly above the water of New river. The views from there were too vast and impressive for my powers of description. From this point, the road wound

round and down the face of the Gauley mountain, and constantly presented magnificent views. At the foot of it we crossed the Gauley river, just above its junction with New river. The two united form the Great Kanawha. After proceeding on its bank a couple of miles, we stopped for the night. We met in the coach this day some intelligent and agreeable traveling companions.

We started early the next morning with the same fellow-travelers, and rode thirty-six miles on the right bank of the Kanawha to Charleston, a pretty village on the bank of that river. We there crossed to the left bank of the river, and after riding upon it about twelve miles, left it to our right and proceeded to the village of Guyandotte, which is on the east bank of the Ohio river, at the junction of the Guyandotte river with it. We did not arrive there till 12 o'clock at night. During the day, and just before reaching Charleston, we passed the salines of the Kanawha, a full account of which, as then existing and used, will be found in my diary.

We waited all day at Guyandotte for a steamer to take us down the Ohio to Cincinnati and Lawrenceburgh. At night one arrived, and we left at 10 o'clock P.M. for Cincinnati. After going a few miles, a fog stopped us, and obliged us to lie by till morning. The next day (Saturday, the 19th July), was pleasant, and we had an agreeable passage down the river to Cincinnati, where we arrived about 12 o'clock at night. The moon was full that night and shone beautifully. "It presented (as I say in my diary) some of the most beautiful reflections from the water I have ever seen. Brilliant lights appeared to rise out of the water and play upon the swells raised by the boat, and after having shone their minute would disappear, and others rise and supply their place. Occasionally columns of quivering light would be streaked out upon the water and lie and live their minute. All the reflections had a golden hue, owing no doubt to the turbidness of the water produced by a freshet."

We found a friend at Cincinnati (Edward Mansfield), who came on board the steamer and sat with us till 11 o'clock A.M.,

when we left for Lawrenceburgh, where we arrived at 2 o'clock P.M. We found our relatives well, and spent the afternoon and evening conversing with them. My account of this day says : "The passage down from Cincinnati was not pleasant. The day was warm, the boat crowded, and our feelings not at rest in traveling on the Sabbath. Although we deemed it right to complete our journey, yet we were ill at ease in doing so."

We remained at Lawrenceburgh till Tuesday, the 29th of July. We left that day at 12 o'clock M. in a stage-coach for Cincinnati. Our time at Lawrenceburgh was spent with our relatives and their friends. The manner of spending it, and the persons with whom it was spent, are fully stated in my diary.

The most noticeable thing at Lawrenceburgh, was the immense field of corn on the bottoms at the junction of the Great Miami and Ohio rivers. Their junction is about two miles above Lawrenceburgh, and at it, is a large plane of rich land, extending westward from the Miami and northward from the Ohio. This plain, which contains about six thousand acres, is overflowed annually, and has been planted with corn, for forty successive years. Although it has different owners, the annual floods do not permit division fences, and to the eye of the spectator is one vast field of corn. The view of it, from the high ground at the northward, is striking and impressive.

We had intended to pass several days at Cincinnati, but found that cholera was prevailing there, and left early the next morning. We proceeded leisurely through Ohio by public and private conveyances to the city of Sandusky on Lake Erie, where we arrived on Saturday evening, the 2d of August.

My diary contains a full account of the journey ; but as nothing of special interest occurred, I will omit giving particulars and leave them for my children to read, with a single exception. The following is from my diary of the 2d of August :

"The objects of greatest interest which we met to-day were prairies. We passed several ; but the last one, in the county of

Huron, was decidedly the largest and most interesting. It reached nearly to the extent of the eye. Clusters of trees were scattered upon it. Several herds of cattle were feeding on it, and we could, from the coach, just see their backs. The view gave to the mind the idea of vastness, and filled us with reverential emotions towards our God. I shall long remember the impression the plain made upon my mind."

These were the first prairies I ever saw.

We passed our Sabbath at Sandusky, though not satisfactorily. After stating how we passed it, I write in my diary of that day: "This is another Sabbath unprofitably spent. O God, give me grace to make better use of thy Sabbaths."

We left Sandusky at 3 o'clock A.M. on Monday, the 4th of August, in a steamer for Buffalo. We had a very pleasant passage down Lake Erie to that place, where we arrived the next day at 2 o'clock P.M. We made only two landings on the way—one at Cleveland and the other at Fairport. We went ashore at both places. At Cleveland we took a carriage and rode round the town. My diary contains a full account of both places as they were then, and of our sail down the lake.

We took lodgings in Buffalo at the Eagle Tavern. We found at the post-office several letters from our relatives in New York, and were rejoiced to hear they were all well. On reaching our own state, after so long an absence, I recorded our thoughts and feelings in the following words:

"O God, accept our sincere and hearty thanks for having preserved us in health and safety during our absence from our state, permitting us to return to it and find our relatives in life and health. May we be deeply impressed with a sense of thy kindness, and give ourselves more entirely to thee. We ask all things in the name and for the sake of our dear Redeemer."

We staid in Buffalo a couple of days, which were passed almost entirely in the society of our relatives and friends, of whom we had there quite a large circle. Their names and our mutual visits are all mentioned in my diary.



We left Buffalo on Thursday morning, the 7th of August, in a small steamboat for the Falls. We had an interesting passage down the Niagara river, and arrived at the Falls at noon. We spent a couple of days there viewing them, and the objects of interest in the vicinity. We left for Lockport on Saturday afternoon, the 9th of August, on our way home. We passed our Sabbath at Lockport, where we met friends with whom we attended church, forenoon and afternoon, and spent the evening. The next day we rode to Rochester on the Ridge road, and the following day to Hopewell, to visit my nephew, Samuel A. Howes, and his family. We spent the day and night with them, and the next day rode to Geneva, and stopped with my brother-in-law, Prof. H. Webster. We remained in Geneva only one day, and left on Friday morning, the 15th of August, for Syracuse, where we dined that evening, and staid over night. We rose early the next morning, took a carriage, and with a friend viewed the salines of Syracuse and Salina, and left after breakfast for Utica. We arrived there that evening and staid over the Sabbath. We heard the Rev. Mr. Mandeville preach his first sermon in the Reformed Church of that, then village, now (1868) city. We met friends there, who passed the evening and a part of the day with us. The next day (Monday, the 18th of August), we devoted to a visit to Trenton Falls, which your mother had not seen before. We returned to Utica in the evening and left there the following morning, in a packet-boat for Schenectady, where we arrived very early the next morning, and proceeded to Albany, which we reached in time for breakfast. We stopped at Mr. Fowler's, spent the day with our relatives, and left the next morning on the day-boat for New York. We had a delightful passage down the river, arrived at home at 6 o'clock P.M. and found our family and relatives well.

This journey from the Falls through our state to the city was an interesting one to us. We met many friends, passed through charming portions of the country, traveled leisurely and enjoyed our journey. My children will find a full account

of the friends we met, the country and places through which we passed, indeed of the whole journey, in my diary.

My account of it ends with the record of our thanks to our Heavenly Father for preserving us during our long absence, and permitting "us to come to our own dwelling in safety."

We staid in the city only one day, and then went to Springfield, N. J., the summer residence of our parents, where we remained until Tuesday, the 2d of September. In the afternoon of that day, we returned to the city to reside. I close the account of the day as follows: "I pray God to bless us in our new duties, and to take us into His holy keeping."

While at Springfield, my time was passed in reading, recreation, and social enjoyment with our relatives and their friends. Only one incident occurred worthy of notice. On Sunday evening, the 31st of August, "at Mr. Campbell's request, for the first time, made a prayer in the family."

On our return to the city, I resumed my usual duties. Your mother and I attended religious services together in our own church for the first time on Sunday, the 7th of September.

On reviewing the entries in my diary this year, in regard to my religious life and duties, I find them mainly like those of the previous year, yet on the whole my walk with God appears to have been closer.

I will close the account of this year with three extracts from my diary:

December 7th, Sunday. After stating the manner in which I had spent the day, and that the sacrament of the Lord's supper had been administered in our church, I add—"I enjoyed the communion, was cheered and spiritually refreshed by it. O God, give me strength to walk closely with Thee, and I here record my determination to strive earnestly to do so. The greatest source of the deep sorrow, which I felt to-day, was my own shortcomings; and next to that, the thought that my dear wife could not accompany me. O God, bring her into thy fold, I entreat Thee, for Christ's sake."

December 17th, Wednesday.—"This is my birthday, and to-morrow I enter on my forty-fifth year. After breakfast, I made the

last payments on my Mariam's bequests, viz., fifty dollars to the Bible society, and seventy-five to the Board of Education, and thus completed the last duty I owed to her in this life; but with God's blessing, I hope here and hereafter, to feel and reap the advantages of her sweet and holy example."

December 31st, Wednesday.—"Thus the Lord in His providence has permitted me to spend another year. I have not language to express my gratitude for His great goodness, and my own unworthiness in comparison with His favors. He has led me nearer to Him, and I feel assured that my walk is closer with my God. He has given me a gentle and tender-hearted companion, who fulfills all her duties better than I could have expected. I pray that He will soon bring her into His fold, and that our union may be thus in the Lord as well as on earth. My Heavenly Father too, has given me prosperity in my business, and extended my influence among my fellow-men. Oh, may I use it, as I shall wish I had, when I appear at his bar! O Lord, take me and mine into thy holy keeping, and guide us in thy ways during the coming year. I ask it for Christ's sake."

### 1835.

Two events occurred this year, which materially affected the usefulness and happiness of your mother and myself in this life, and one of them, her happiness in the life to come.

Your mother was not able to attend church on Sunday the 15th of February, but I was, and attended forenoon and afternoon. Left alone and to undisturbed communion with her God, she determined, in accordance with feelings and convictions, which she had entertained for some time, to unite with the church, and declared her intention to do so, at the next communion. This gave me a degree of joy and happiness, I shall not attempt to describe. She made this announcement near the close of the day, which, however, had not been well spent by me. Too many worldly topics had occupied my thoughts. The entry in my diary is as follows :

"In the midst of my transgressions, and when my unworthiness was most manifest, my kind Parent had so dealt with my

dear Jane, that she this day declared her intention to unite herself to the church at the next communion, and thus crown my earthly happiness. O my God, how can I suitably acknowledge my thankfulness, or how express my gratitude! Oh give me more abundantly of thy spirit, that I may be able to show forth thy praise!"

On the 30th of April, our first child, a son, was born. After a statement of the event, I recorded my thanks and a vow thus—"For his many mercies and blessings, I give God my sincere thanks, and here record my vow, that if in his goodness, he shall spare my life and the life of my child, I will earnestly endeavor to rear him in the fear and admonition of my Heavenly Father."

Our lives were spared, and how this vow was performed, and the result, will be seen, when I reach, in this biography, the year 1862, in which year this son died, and a memorial, containing his life, death, and character, was published.

My time this year was almost wholly occupied by social and professional duties. The latter continued to increase in number and importance. They did not, however, take me from the city.

The languages received no attention from me this year, and my reading, beside the daily journals, was general, and as time could be snatched from other duties. Yet amid my numerous professional and social engagements, I found, or rather made time for several other matters.

On the 11th of March, I purchased a building lot on the west side of Broadway, between Bond and Great Jones Streets, and during that month and April and May following, planned a house and entered into contracts for building it.

The cause of temperance interested me this year and occupied some of my time. On the evening of the 27th of January I attended a meeting at my office, of a committee of the First Ward Temperance Society. That ward then embraced the largest and best portion of the population of the city. On the evening of the 26th of February, I attended a temperance meeting, held in the Methodist Church in John Street, at which I presided and made a short address. On the evenings

of the 28th of February, 27th of August, and 31st of October; I met committees and friends of the cause to consult on the subject; and at a meeting held on the evening of the 8th of December, was re-elected President of the First Ward Temperance Society.

The great enterprise of colonizing the free people of color on the west coast of Africa continued to interest me, and took some of my time this year. I spent the afternoon of the 28th of October at the room of the Colonization Society, where there was a meeting of a committee, of which I was chairman, to revise the constitution of the Society, and on the following evening, a large public meeting was held at Masonic Hall, at which I made the principal address. This address was not written, but delivered from brief notes and clue-words. In my diary I wrote, that it "appeared to be well received by the audience." It was favorably noticed the next day in the two leading journals of the city.

The Journal of Commerce of the 30th of October, 1835, after stating the holding of the meeting, and giving the outlines of some remarks of the Hon. William A. Duer, the President of the Society, proceeded as follows :

"Samuel A. Foot, Esq., then addressed the meeting for three-fourths of an hour in a speech of much ability and eloquence. He said it was impossible to close our eyes to the perilous condition in which our colored population had been placed. In discussing the subject of their condition it would be useless to go over for the hundredth time with a description of the horrors of the slave trade, or the evils of slavery. These evils we all know, and they feel them most deeply upon whom they are more especially cast. What then shall be the course of our thoughts? Let it be upon the duties we have to perform. We have a population of more than four millions who are either physically or morally in slavery. Let us inquire what we can do for them. No question is of equal magnitude with this. In whatever measures were adopted, it was essential that the South should take the lead. That the condition of the slaves should remain unchanged for any great length of time was impossible. And he quoted the declaration of a distinguished

Southern gentleman, the owner of one hundred slaves, that the system of slavery would not be maintained for another quarter of a century. If this immense population was to be retained in this country in a condition of freedom, their history was written in the history of the aboriginal inhabitants of the country, and in the miserable population of the same class of persons, which we now see in our streets. The inquiry whether they shall be incorporated into our social relations, has a ready answer in the bosoms of us all. We have no alternative but to assist them to go home, carrying with them the blessings of civilization and religion to Africa. This plan is approved by the South; a circumstance which should increase, not diminish our attachment to the *plan*. But we are unable to pursue the remarks of Mr. F."

The Commercial Advertiser of the same day, then edited by the deeply-lamented William L. Stone, contained the following notice of my address:

"President Duer was followed by Samuel A. Foot, Esq., in an address of great power and effect. He commenced by advertg to the lamentable and dangerous condition in which recent events had tended to place our colored population. He did not refer to the horrors of the slave-trade and the ordinary evils of slavery, which had been again and again described, and of their nature none could be ignorant. His remarks were intended to apply as much to the situation and prospects of the free colored people as to those of the slaves; and in the contemplation of these, a sense of duties to be performed became a prominent subject of reflection. 'We have a population,' said Mr. Foot, 'of more than four millions who are either physically or morally in slavery. Let us inquire what we can do for them. No question is of equal magnitude with this. In whatever measures were adopted, it was essential that the South should take the lead. That the condition of the slaves should remain unchanged, for any great length of time, was impossible. And he quoted the declaration of a distinguished Southern gentleman, the owner of one hundred slaves, that the system of slavery would not be maintained for another quarter of a century. If this immense population was to be retained in this country in a condition of freedom, their history was written in the history of the aboriginal inhabitants of the country, and in the miserable

population of the same class of persons which we now see in our streets. The inquiry whether they shall be incorporated into our social relations, has a ready answer in the bosoms of us all. We have no alternative but to assist them to go home, carrying with them the blessings of civilization and religion to Africa. This plan is approved by the South; a circumstance which should increase, not diminish our attachment to the *plan*."

On the evening of the 25th of November, I delivered an address before "The Law Association of the city of New York," and a general audience. This Association was composed of junior members of the bar, and law students of the city, and designed to give the members "opportunities and incentives for improvement." This address was well received by the audience. The Association thanked me for it by a formal resolution, in which they called it a "very able and eloquent address."

This address was nearly written out in full, and is No. 22 of "Papers Written by me."

My exercise this year was like that of the year before, viz., walking on the Battery, when the weather would permit, and generally before breakfast, and riding on horseback and in my wagon. Your mother frequently accompanied me. I had but little respite from my duties this year. My first absence from the city was a hurried trip to Boston, to attend the wedding of my partner in business and nephew, Henry E. Davies, which took place on the 3d day of July. I returned the next day. Your mother and I, with the little boy, went up to West Point on the 7th of July, to visit our relatives and meet the wedding party. We spent a couple of days there pleasantly.

On the 15th of July your mother and I, with the little boy, went over to Springfield to visit her parents. Your mother and the boy remained there till the 31st of August; but I only staid a few days, and then returned to the city. While your mother was there, I went over several times, and generally staid two or three days. While there I read, walked, rambled over the hills and the mountain, rode, fished, wrote, and rested. On one of my visits, I read "Irving's

Sketches of Abbotsford," "Newstead Abbey," and Stone's account of "The Matthias Delusion."

We all, that is, your mother, myself, and the little boy, returned to the city the last day of August and resumed our residence there. We did not close our house, as I was there most of the time.

We adopted this year a pleasant and profitable mode of passing an evening every fortnight, and that was, by having a family reading party at each other's houses once a fortnight. There were four families of us—our parents, Mr. and Mrs. Samuel Campbell—our brothers and sisters, Mr. and Mrs. John Campbell, and Mr. and Mrs. Marcus Wilbur—and ourselves. Each member of the party selected and read a piece of prose or poetry. Our first reading party was on the evening of the 14th of December, and the last one on the evening of the 13th of March following.

On the night of the 16th of December, the great fire occurred, which destroyed nearly the whole of the city east of Broad Street and south of Wall Street. Our office on the north side of Wall Street was in great danger. All our books and papers were removed. I was up nearly all night. Mr. Campbell, my father-in-law, was a large loser by this fire, and I lost by it fire-insurance stock to the amount of \$1500.

Your mother and I dined and passed the evening of the 14th of March with her parents. "On our return home (extract from my diary in her handwriting) we providentially discovered our bath-room to be on fire, in time to extinguish it. For this merciful interposition of Providence in saving our dwelling from destruction, we give Him our sincere thanks."

On the evening of the 27th of March, your mother and I attended preparatory lecture. She was baptized. I accompanied her to the fount. The sacrament of the Lord's supper was administered in our church on the 1st of March. Your mother accompanied me to the table. We went to church together in the afternoon. I say in my diary of that day, "The residue of the day was passed at home in reading, conversation, and duties appropriate to the day."



A few extracts from my diary will show how far short I came, during the year, of reaching the true standard of Christian duty—my earnest, but vain, efforts to do so, and the little progress, if any, made by me in holiness of heart and life :

May 10th, Sunday.—“Went to church forenoon and afternoon, and gave better attention than usual. Passed all the day and evening not in church, at home, reading and conversing with Mrs. Foot.”

May 17th, Sunday.—“Went to church forenoon and afternoon.  
\* \* \* My Sabbath was poorly spent. The world and its objects filled too many of my thoughts, and engaged too much of my conversation. O God, give me, I entreat thee, more of thy spirit. Subdue the world in my heart and make me thine. I ask it for the Saviour’s sake.”

June 19th. The day our son was baptized.—“Attended church in the evening, it being preparatory lecture, and presented our child for baptism. He was baptized by our pastor, the Rev. Dr. William W. Phillips, and named John. We were too late in church. This and other circumstances so disturbed my feelings and diverted my thoughts as to prevent me in a great measure from entering into the spirit of the service as I ought to have done, I pray God to forgive me, and enable me to be more composed under the little crosses of this life.”

June 21st, Sunday.—“Went to church forenoon and afternoon. The sacrament of the Lord’s supper was administered. I could not but feel how unworthy I was of such a privilege. The day was tolerably well spent for me. My reflections were in general during the day as they ought to have been. The evening was spent reading and instructing William ” (a servant boy).

September 6th, Sunday.—“Attended church forenoon and afternoon at the Wall Street church, it being open for the first time after the fire. The services were very acceptable to me, and I was able to enjoy my whole Sabbath better than usual.”

November 8th, Sunday.—“Attended church forenoon and afternoon, and paid tolerable attention, also read and reflected as I ought, a part of the time passed at home.” After mentioning some visits from relatives, I add—“Our conversation was not spiritual, it was directed almost wholly to indifferent and secular

objects. Oh would that our hearts and thoughts were so intent on our God and Redeemer as that from the fullness of them the mouth would speak!"

December 6th, Sunday.—“Went to church forenoon and afternoon. Partook of the sacrament in the forenoon. My soul was refreshed by this service and I was brought near to my God and Saviour, but my thoughts often wandered and showed me how far I am from possessing a truly holy spirit.”

December 10th, Thanksgiving day.—“Went to church in the morning with Mrs. Foot, and had a delightful morning. I appeared nearer to my God, than at any previous time which I can recollect.”

December 17th. My birthday and the day after the great fire.—“The engrossing objects which have occupied my mind, and the fatigue which has oppressed me, have prevented me from making the reflections which become the day of my birth. But I cannot omit to acknowledge and record the goodness of my God during the past year. He has drawn me, as I hope and trust, nearer to Him, and made me more sensible of my own weakness, and of the need of a suffering Saviour. He has also peculiarly blessed me in giving me a promising son, and preserving the lives and health of all my family. Oh how much I have to thank Him for—in how many instances during the past year has he displayed his loving-kindness towards me and mine! and how often and constant has been my neglect of him, and of the duties I owe to him and my fellow-immortals, his creatures! Father of mercies, forgive my sins of omission and commission, for my Saviour’s sake—pour thy Spirit into my soul, and fit me for thy presence.”

December 20th, Sunday. First Sabbath after the great fire.—“Went to church forenoon and afternoon and heard Dr. Phillips.  
\* \* \* The two sermons delivered by our pastor were applicable to us in reference to our late calamity, and were able and interesting. They were decidedly useful to me, as they showed me many points in which I had been unconsciously deficient in duty to my God and fellow-men. Oh how far I am from what I ought to be!”

December 31st, Thursday. The end of the year. After mentioning some visits your mother and I made, I write:—“On our return I gave an hour to reflection on the occurrences of the year. Thus

another year of my life has been spent, and how little have I accomplished. My year seems almost to have been wasted. A large portion of it has been devoted to the building of a house—an undertaking I ought not to have entered upon. It has occupied too many of my thoughts, and is too expensive for my means. It has prevented me from bestowing in charity what I ought to have done. In two instances during the year have I been forewarned of my mistake, by having been shown the uncertainty and vanity of earthly riches. Twice during the year have I met with losses of property, and by unforeseen and unexpected occurrences, and this for the first time in my life. Father of mercies, I come to thee, and acknowledge the justice of thy chastisements, and entreat thy forgiveness for my Saviour's sake. I am a wretched sinner, bound to the world, notwithstanding the many admonitions I have received not to place my affections on things below. I thank thee, my Father, for the child thou hast given us since the last new year. Oh spare his life and enable us to train him up in the ways he should go! Do, for thy Son's sake, have compassion on me, wean me from the world, give me a holy spirit, and fit me for thy presence. Enable me to use the world without abusing it. I record my grateful acknowledgments at the close of the year, for bringing my dear companion into thy visible church on earth. Oh continue the work of grace begun in her heart, and make her a child of heaven!"

## 1836.

On the first day of this year, I made the following entry in my diary: "As I have arrived at middle age and my habits are settled, and probably my course of life, it has appeared to me proper to change the character of my diary. The noting of daily occurrences are no longer necessary for the purpose for which I began them. My habit of rising between 5 and 6 o'clock A.M. is settled, also my determination to worship privately with Mrs. Foot in the morning, and which I have done uniformly heretofore, and with my whole family at 10 o'clock P.M., which I have uniformly done since the time mentioned in my diary. My manner of spending

the day is almost always the same. Should there be any change in my mode of life hereafter, or anything unusual occur, it shall be recorded in my diary. In a few things I am resolved to be so far master of myself as to correct my habits. In the first place, my time shall be better employed, that is, there shall be less waste of it. In the second place, a much less amount of thought shall be bestowed on my building and my own private affairs, and with God's help, I will live nearer to Him."

In accordance with my determination in regard to keeping my diary, I kept it irregularly for four years and until the month of June, 1840, sometimes writing it weekly, sometimes monthly, and occasionally at other times, as they were found convenient. A return to daily entries, and my reasons for it, will be mentioned in my account of the year 1840.

An unusual number of domestic matters and occurrences required my attention and occupied my time this year. The principal ones were—superintending the building of my house, superintending the building of Mr. Campbell's stores on Pearl and Water Streets, which had been destroyed by the great fire in December previous, the confinement of your mother, and the birth of our second son, and the death of your grandfather Campbell, followed by the disposition and settlement of his estate. These, with my professional and social duties, took up nearly my whole time, except a small portion devoted to exercise and recreation. My reading was general and desultory, as opportunity offered. The languages received no attention from me, nor did I make a single public address, or write an article for a public journal.

My profession took me from the city only once this year, and that was to Albany for three days in the latter part of August.

My advancement in my profession continued this year. My diary of Saturday, the 5th of March, contains this entry: "During the last fortnight, I have been engaged rather more than usual in my profession. The late calamitous fire, which occurred in this city, has given rise to numerous questions of right, and I have been consulted and my written opinions

asked on many of them. Confidence in my private and professional character appears to be increasing, and I thank my Heavenly Father for his great goodness to me, so unworthy of his favors as I am."

Our second son was born on the 15th of June, and baptized by our pastor, the Rev. Dr. Phillips, on the 17th of July, and named "Samuel Campbell," after his maternal grandfather, who died on the 26th of June previous.

My project of building a house at last appeared to me in its true light. In my diary of the 5th of December is this entry: "It (the erection of my house) has occupied too many of my thoughts, and too large a portion of my time. A wise man will never build a house," and again in my diary of the 17th of that month is the following entry: "Too much time has been spent on my house. I am thankful it is almost done."

Superintending the building of Mr. Campbell's stores was so entirely outside my ordinary pursuits, that I will copy from my diary the two entries which it contains concerning them:

April 9th, Saturday.—"On Tuesday morning of this week, I commenced the superintendence of the building of Mr. Campbell's stores, in Pearl and Water Streets. A large part of my time this week has been devoted to that object. I felt it my duty to undertake this task for the family, though not a very pleasant one."

May 21st, Saturday.—"The building of Mr. Campbell's stores has drawn more largely than all my other duties upon my time and attention. They are now nearly done."

My exercise this year, as in previous years, was walking on the Battery, generally in the morning, and riding on horseback, or in my wagon. I indulged in some excursions, and passed some time in July and August out of the city. I spent three days near the middle of July riding with my brother-in-law, D. L. Clark, over the north side of Long Island, and visiting friends in that vicinity. These days were pleasantly passed. A detailed account of them will be found in my diary.

On the 19th of July your mother and I went to the Mill (the name of the family residence), to make your grandmother a visit. We took the children with us. I staid a couple of days and then returned to the city, leaving your mother and the children there. The next day I left the city for Ogdensburgh, to visit my relatives there. I stopped a couple of days at Albany with Mr. Fowler and his family, and made them a visit, also a few hours at Schenectady, which were passed in sauntering round the city, particularly the old college, where I received my education. The location recalled many events to my mind and impressed me with a deep sense of gratitude to God, for having carried me safely through the temptations of youth. Being detained a day at Utica, I passed my time in visiting friends, and did not reach Ogdensburgh till the evening of the 28th of July. Three of my sisters were there. I spent five days with them and other relatives, and then returned to the city by steamer to Oswego, and from there by land and water carriage. This was a pleasant journey and visit.

I arrived in New York on Saturday morning, the 6th of August, and after passing a few hours in professional and individual business, went over to the Mill and found your mother and the little boys well. The Sabbath was passed at the Mill, and on the following Monday morning, your mother and I with the children returned to the city. We remained in town only a couple of days and then went to Cowneck, on Long Island, and took lodgings for ourselves and the children for the residue of the summer. Your mother and the children remained there till the 6th of September. I passed my time between Cowneck and the city, except a business journey of a few days to Albany. My diary shows how my time was employed both in the country and city.

On the 6th of September we all returned to the city. We remained there a couple of days, and then all went to Albany to make Mr. Fowler and his family a visit. I staid in Albany several days, and then returned to the city, leaving your mother and the children there. They remained till Monday,

the 26th of September, when I went for them, and we all returned to town, where we remained the rest of the year.

The state of my religious feelings this year, and my progress, if any, in holiness will appear by a few extracts from my diary :

Saturday, January 16th. After an account of the previous week.—“We have attended to our devotions regularly, but so far as I am concerned, not I fear with the fervor and singleness of heart due to such solemn and interesting duties.”

Saturday, February 20th. After an account of the previous week.—“Although the weather has been severe during the whole week, our family has enjoyed good health, and we have wanted nothing. Would that our spiritual wants were as earnestly sought for as our temporal. O God, give us grace to adore and bless thee as we ought, and help us to magnify thy great and holy name.”

Saturday, March 5th.—“The world seems more and more to allure me as my domestic joys and temporal comforts increase. To-morrow we celebrate in our church the dying love of our dear Redeemer, and when I examine myself, and discover how far my soul is from that holiness, which ought to belong to a professed follower of the blessed Saviour, I almost fear to approach His table. May He give me grace to partake worthily of His broken body and shed blood.”

Saturday, April 30th.—“This day our little boy is one year old. I thank God for continuing his life, and for all the blessings which are daily poured out so abundantly upon us. Would that I were more deserving of them.”

Saturday, June 4th.—“My religious duties have been better attended to than during the fortnight previous, though far from as well as they ought to have been. To my God, I owe everything, and to Him I fail to render, even a tardy obedience. Without the atonement of my Redeemer, my ruin forever would be certain. O God, give me thy grace to work out my salvation by the use of thy appointed means.”

Wednesday, June 15th.—“This day Mrs. Foot gave birth to a second son—a perfect and healthy child. For this precious gift, I return my sincere and hearty thanks to my Heavenly Father, and pray Him, for Christ’s sake, to spare the life He has thus kindly

bestowed, and to enable me and Mrs. Foot to perform our responsible duties to this little immortal. Oh assist us to realize, thou Giver of life, and Judge of the quick and dead, the extent and solemnity of the new obligations, which have devolved on us, and give us the aid of thy Spirit to fulfill them!"

Sunday, 17th July. The day our second son was baptized.—“It gave me holy joy to present another son at the altar, and have conferred on him the privileges of Christian baptism.”

Saturday, October 8th. After mentioning that my old habit of musing seemed to be growing of late upon me, and that it had been a serious injury to me through life.—“It draws me too away from frequent communion with God, and thus retards my growth in grace. Oh may my soul be won away from the world! There is nothing here for an immortal soul to rest upon, and with God’s blessing I will more earnestly endeavor to prepare for death.”

Monday, December 5th.—“Yesterday we celebrated the sacrament of the Lord’s supper in our church. Mrs. Foot was with me. It was an interesting occasion to me, though deeply oppressed with a sense of unworthiness of so close an approach to my God and Saviour. My vows were renewed, and with God’s help, I hope to perform them better than heretofore. The world has too strong a hold upon me. Often while engaged in my devotions in the public sanctuary, it obtrudes itself upon my thoughts. Oh when will my heart and mind be pure and holy, and fitted for the presence of my God!”

Saturday, December 17th.—“This is my birthday. I am forty-six years old. How grateful I ought to be to my Heavenly Father for thus prolonging my life, and how barren it has been—how little I have accomplished. O God, forgive me! It seems as if my year had been wasted. I dare make no promises for the future, but pray God to help me to become a better and more useful man. Too much time has been spent on my house. I am thankful it is almost done. O Father of mercies, help me to live nearer to thee during the coming year.”

Saturday, 31st December.—“The business and concerns of this life take too deep hold of me. My sense of right and justice often carries me too far, and sometimes must become almost a fault. I hope and trust that the next year will find me freer from worldly cares. With God’s help, I intend to live nearer to Him. Another



year has gone, and how far I still am from my God and Saviour. \* \* \* Blessed Father, have compassion on me, and give me a new spirit, for Christ's sake. I thank thee for the many favors thou hast bestowed on me the past year—for the happiness I have enjoyed, and especially for many holy joys derived from communion with thy spirit. Increase the work of grace, which I trust thou hast begun in my heart, until I shall be fitted for the society of the redeemed in glory. I ask all things for the dear Saviour's sake."

## 1837.

My professional engagements this year were more numerous and important than in any previous year. They required so much of my time, that no attention was given to the languages, and only occasional snatches of time employed in general reading. The daily papers, however, were never wholly neglected, but always read with more or less care, as opportunity offered. My family, furnishing our new house, arrangements to move and moving into it, and social duties, necessarily took portions of my time.

Having moved away from the Battery, and sold my horse, my exercise was not as regular nor abundant as usual; nor did I allow myself more than a few weeks in July and August for recreation, and not all those in succession, but in piecemeal.

Professional duties took me several times from the city. On the 29th of July, I argued an important question at Poughkeepsie, arising on the will of Samuel Jones, deceased, on the retainer of the towns of Oyster-bay and North Hempstead. The first three days of August were passed at Albany, attending a special term of the Supreme Court, at which I argued several important causes. A considerable portion of September was passed at Albany, attending the Court of Chancery and the Court for the Correction of Errors, in each

of which I argued several cases. While attending those courts, I came to the city, went over to the Queens County Circuit, and tried an interesting cause.

A few extracts from my diary will give a correct idea of my professional business this year :

February 22d.—“My professional avocations have been numerous and important the last month. I have tried several interesting cases before juries, and argued several causes before the courts, and what is singular, every one has been decided in favor of my clients.”

November 7th.—“Since my return from Geneva (25th of August), I have been deeply engrossed in my profession.”

December 7th.—“The last month has flown rapidly away. I have been actively engaged in my professional duties, and have argued several important causes. The confidence of the community in me appears to be increasing, for which I thank my Heavenly Father.”

I only made two public addresses this year. One on the 10th of January, at a meeting of the New York Bar to honor the memory of Abraham Van Vechten, of Albany, deceased. The following account of the meeting and my address is from my diary :

“Chancellor Kent presided. Peter A. Jay moved the resolutions, and I seconded them. My address was approved and praised a few days afterwards in the Commercial Advertiser. In the course of it, I mention the fact, that in the spring of 1821 I addressed a public meeting at Albany, called to recommend Chancellor Kent, Chief Justice Spencer, Abraham Van Vechten, and Stephen Van Rensselaer as candidates for members of the convention to be held in the fall of that year, to alter the constitution, and mentioned the circumstance, that Mr. Van Vechten was the first of the four to leave the scene. The meeting of the bar was a very large and respectable one, and I was happy in being able to take a part in it.”

The following notice of the meeting and of my address was in the Commercial Advertiser of the 13th of January :

"THE LATE MR. VAN VECHTEN.—We are informed that the meeting of the bar, on Wednesday, was a worthy compliment to the memory of that good man, Abraham Van Vechten. All the judges who were in the city, and were not confined to their houses by indisposition, punctually attended; and we noticed Dr. Duer and Enos T. Throop, Esqrs., former Circuit Judges, and William Johnson, Esq., in the crowd.

"Chancellor Kent opened the meeting with some account of Mr. Van Vechten's life and practice, and a detailed history of their long friendship—his emotions frequently interrupted his utterance. After which Mr. Jay moved the resolutions, prefacing them with a very neat speech, the close of which was particularly happy—and Mr. Foot seconded the resolutions. His address was longer, but not tedious, and it was a beautiful eulogium upon the venerable man whose death the meeting was called to deplore. In the close, the example was forcibly recommended by him to the junior members of the profession."

The other public address was made on the evening of the 21st of February. My diary of the 22d of that month contains the following account of it:

"Last evening there was a meeting at the Tabernacle of the New York society for promoting education in Africa, and a large audience attended. The speakers were the Rev. W. Cote, of the Baptist church, Hon. Theodore Frelinghuysen, myself, and the Rev. Mr. Palmer, of the Methodist church. We spoke in this order. I am thankful for being permitted to aid in this great work. My address was better received than I anticipated."

We moved from our residence, No. 88 Greenwich Street, into our new house, No. 678 Broadway, on Saturday afternoon the 8th of April.

Your mother and I spent a day in June with your grandmother and her family at Springfield, N. J., and on the 5th of July went to Connecticut, and made a visit of a couple of days to my brother and sister Scovill and their family, on the old farm in Watertown, where I was born. On the 12th of that month, we went over to your grandmother's at Springfield, and took the little boys with us. Your mother and the

boys spent the balance of the month there. While they were there, I went over twice for a day at a time, and once for three days. On the 3d of August, your mother and I went to Geneva, to visit your uncle and aunt Clark. The little boys went with us. I staid till the 23d of that month, and then returned to the city, where I arrived on the 25th. Your mother and the children remained till the end of September. Almost the whole of my time at Geneva was spent in out-door recreation. We rode, fished, bathed, took short excursions on the lake, &c.

My sister York, being unable to give her son, Joseph S. York, an education, I concluded to take him into our office, and assist him to a professional education. He came to me about the middle of December, and remained with me till he was admitted to the bar and able to support himself.

Our eldest daughter, whom we named Euphemia, was born on the 12th of December.

Early in that month I was unanimously elected a member of the "Kent Club." This club was composed of members of the bar, who claimed high social, and professional distinction. The first meeting of the club, which I attended, was on Saturday evening, the 16th of December. The entry in my diary on the next day is as follows :

"Last evening I attended the "Kent Club." It was in the main agreeable, though there was too much carousing at the close of the evening. I left at 11 o'clock. I fear I shall not be able to attend the club—certainly not, unless I find it more temperate."

Miss Sally Duyckinck, a member of our mother's family and a relative, died on the 18th of August. Her death and that of Mr. Campbell the year before kept your mother and me in mourning. We did not consequently visit beyond the circle of our relatives and most intimate friends. Although our social enjoyments and duties were thus limited, they were many, and occupied a considerable portion of my time. They are fully stated in my diary.

Extracts from my diary will correctly exhibit the manner

in which my religious duties were performed, my spiritual condition, and progress, if any, in holiness :

March 8th, Wednesday.—“The last Sabbath was communion Sabbath in our church. It was an interesting day to me. We had our monthly concert of prayer in the evening, which Mrs. Foot and I both attended. I made a liberal donation to the object of foreign missions, and was grateful for being able to do so.”

April 8th, Saturday evening. The day we moved into our new house.—“We find our house all we could wish, and more than we expected. We have entered it in our usual health, and with grateful feelings to the Giver of every good gift, for having provided us with such an agreeable dwelling. We pray Him to sanctify it to our use—to enable us to live nearer to Him—to make it a house of prayer, and our family His servants. \* \* \* It is my firm purpose to live as a Christian in my present dwelling, and I pray my Heavenly Father to give me grace and strength to execute it.”

July 4th.—“We have lived securely under the protection of the laws another year. How great a blessing this is! The history of this country is but the record of the goodness of our God. \* \* \* My religious duties for the last two months have been attended to as well, and perhaps better, than usual; but oh, how far short they come of what is due to my Heavenly Father, who supplies all my wants, and watches over me with more than a father’s care. We had a communion service in our church on the first Sunday in June. Although my religious feelings were revived and my soul refreshed by it, yet I could not give myself up to my God and Saviour with such entire devotion to His will and singleness of heart as my Christian profession required. The world has too deep a hold upon me. \* \* \* Mrs. Foot and I are going to Connecticut to-morrow. May we feel the protecting arm of our God, and return to our home and children in safety, improved by our visit and journey.”

August 26th.—“While from home this summer, Mrs. Foot and I have attended together to our morning and evening devotions at our usual hours, and so have I when separated from her; but they have not been on my part so full and fervent as they ought to have been. \* \* \* Many, and more than I can name or num-

ber, have been the blessings which a kind Providence has showered on us. Would that my walk was closer with Him. \* \* \* To God I commit my present and eternal interests, and pray Him to watch over me and mine, and guide us in the paths of truth and holiness."

December 7th, Thursday.—"Last Sabbath we had communion in our church. Mrs. Foot was not able to attend. These communion seasons are delightful, and would be more so, could I feel that my progress in the acquisition of Christian graces was anything like what it ought to be. The world has too strong a hold upon me, and I pray my gracious God to weaken my attachment to it, and prepare me for death and His presence."

Tuesday, December 12th. The birthday of Euphemia.—"The child is healthy and perfect in form. I give thanks to God for this manifestation of His love, and pray that He will spare my life and enable me and her mother to raise her in His fear and to His glory."

All of the fourteen children whom our Heavenly Father, in the plenitude of his mercy and love, has given us, were without physical defects, nor was any one of them deficient in intellect. They all had good constitutions—behaved reasonably well, and no one of them ever gave us cause for serious unhappiness. I have generally, in my diary, noticed their birthdays as they came round, recorded my thanks for their spared lives, and a prayer for their preservation, usefulness in this life, and preparation for death. I have not thought worth while to insert these notices in this family history, but my children will find them in my diary if they wish to look at them.

December 12th (continued).—"I have to-day determined to bring my nephew, Joseph S. York, to the city and employ him in our office, and have written to his mother (at Ogdensburgh) to send him. I hope it will prove advantageous to the youth, and that God, who numbers the hairs of our heads, will smile upon this enterprise, and make the lad a useful citizen and a humble Christian."

December 17th.—"This is my birthday, and I have little more to say than that God has showered his blessings upon me during

the year, and I have done almost nothing to extend His cause, and promote His glory upon the earth. Nor can I perceive that the work of grace in my heart has progressed, or that I am a better or holier man than on my last birthday. Verily I am an incorrigible sinner, and an unprofitable servant of my Saviour. O my God, why dost thou spare me? It is certainly only through thy forbearance that I am allowed to enter on another year of being. Oh have compassion on me and spare me, for Christ's sake! Turn me to thee by the influences of thy Spirit, and make me a child of heaven—an heir of glory."

## 1838.

This year commenced differently from any previous one. Your mother did not recover from her confinement on the birth of Euphemia. She had no less than three relapses. The last one was accompanied with fever, and her life was considered in peril for several days. She, however, finally recovered, and towards the end of March, was able to resume her usual duties. This, and the sickness of our little daughter in August, of which I will by and by give an account, were the unhappy events of the year.

My time this year was divided mainly between professional engagements and social enjoyments and duties. Being out of mourning, we went freely into society, and to a greater extent than in any year since your mother and I were married. We had a large and interesting circle of relatives, friends, and acquaintances. I had occasionally, for a number of years, spent an evening with some friend, playing chess. This year I did that more frequently. I also occasionally attended a meeting of the "Kent Club," and had a meeting at my house in November, which was a full and large one. Chancellor Kent attended. There were also present a large number of guests invited by me and other members of the club.

Notwithstanding all these drafts on my time, I found opportunity this year for considerable general reading beside the

daily journals, though none for the study of the languages. Although the number and importance of my professional engagements increased, yet having a good law library, which I kept at my house, and an increasing fund of professional knowledge, I was able to prepare for the trial and argument of causes with less labor. This of course gave me more time for other duties.

The first of May has always been the commencement of my fiscal year. On that day, Mr. Davies and I always settled our pecuniary transactions for the previous year. On that day this year, I say in my diary: "My professional success and income have surpassed that of any previous year," and on the 2d of June, "I have tried and argued several important causes in the last month, and succeeded in them all but one, which was tried yesterday."

My professional duties this year were confined to the city, with only two exceptions, viz.: in March, I went to Albany to argue a question before the Supreme Court, and again in April, for the same purpose.

I addressed no public assembly this year, nor wrote an article for a public journal.

Almost the only exercise I took in the city, was working occasionally in my garden, and walking to and from my office, when the weather would permit.

I had some relief from duties in the city during the summer months. About the middle of June, your mother and I went over to Springfield, and made your grandmother a visit of five days. We had intended to spend July in the city, and August at Springfield, but the weather became very hot and oppressive. The children, particularly the little girl, appeared to suffer so much, that we changed our plan, and on the 21st of July went down to Long Branch, N. J., with the children. We remained there till the 15th of August, when we returned to the city. Some days before our return, our little daughter was taken quite ill, and remained so for several days after our return before she began to improve. By the 1st of September, she had so far recovered, as to enable your mother to take her



with her to Springfield, whither the little boys went a few days after we came from Long Branch, and where they still remained. The little girl got quite well during the first week she was at Springfield. All returned to the city in good health on the 24th of September.

For myself, while your mother and the children were at Long Branch, I came to the city every Wednesday, and remained a couple of days, attending to business, and while they were at Springfield, spent a day with them once a week. I had an ill turn near the end of August, but with the aid of some medicine got over it in a few days.

Our sojourn at Long Branch was very pleasant. Beside bathing daily in the ocean, we met and made the acquaintance of a large number of intelligent and interesting ladies and gentlemen, mostly from Philadelphia. My children will find them all mentioned in my diary, and a full account of little Euphemia's illness.

Some extracts from my diary, will show the state of my religious feelings this year, my views of God and his works, and how far short I came of the true standard of Christian duty :

February 1st. After an account of my temporal prosperity.—“Would that I could give as favorable an account of my spiritual welfare during the past month. My thoughts have been so intent on the world and its affairs that I have come far short of doing due honor to God. He is my only true joy ; and the only unalloyed happiness I have is in communion with Him. Oh may my soul be drawn to Him, and become like my blessed and beloved Redeemer! Lord help my unbelief and worldly-mindedness. I ask it for my dear Redeemer's sake.”

Sunday Evening, March 4th.—“During the last month I have felt the hand of my God in chastisement and in mercy. Mrs. Foot has been very ill, and for a day or two my anxiety concerning her was great. She is now slowly recovering. May God in his mercy fully restore her. To-day the sacrament of the Lord's supper was administered in our church. I was alone in the family pew. Mrs. Foot was not well enough to attend. I was deeply interested, and my soul was refreshed by the service ; but my heart

is still far from God. Oh, would that I was holy and like unto my dear Redeemer! O God, sanctify me and accept of me, for Christ's sake."

May 1st. After mentioning my professional success and income.—"This lays me under additional obligations to live as I shall wish I had when death approaches, and to use my means and direct my efforts to the extension of the Saviour's kingdom on earth. \* \* \* The two (previous) months have passed agreeably, and I hope usefully. My devotions have been attended to rather better than usual, and I hope the work of grace is progressing in my heart; but sometimes it appears to me, that I am still wholly a worldling and an entire stranger to my God. I pray for His blessing, and entreat Him to draw me into the fold of the Lamb."

June 2d.—"My devotional duties the last month have been performed as usual. I have had seasons of sweet and holy converse with my Heavenly Father, but still it seems as if I was almost a stranger to Him. Oh, were I His in spirit and in truth, how delightful would be every duty, thought, and hope! May the influences of His Spirit sink deeply into my soul, is my fervent prayer."

Monday, July 2d.—"Yesterday was the Sabbath, and also the anniversary of Mrs. Foot's and my marriage. We have lived happily together for four years, and no serious misfortune has befallen us. God has dealt kindly with us. He has brought Mrs. Foot into His church, and given us three healthy and promising children. Oh may our hearts be suitably impressed with a sense of His goodness!"

August 27th.—"While at the Branch, I was frequently deeply impressed with the unlimited power of the Creator, while looking upon the boundless ocean, watching the heavy swells as they came in and spent themselves upon the beach, as if they felt the restraining influence of the command, 'Hitherto shalt thou come, but no further.' \* \* \* One evening when in town, while sitting at the east window of the second story of my house, admiring an imposing thunder-storm, a flash of lightning struck the steeple of St. Bartholomew's church, which was within twenty rods of me. The flash and sound were instantaneous. They were fearful, and filled me with awe. I sprang involuntarily from my seat. When

thought resumed her sway, I could not but admire and adore Him, who holds the lightnings in His hands. How small is man compared with the wonderful works of God! Oh, may I love and adore him as I ought!"

December 17th.—"This is my birthday. God has spared my life another year, and filled it with blessings. O Father in heaven, I give thee my sincere and hearty thanks for all thy favors during the past year. When I compare my own shortcomings in duty with the fullness of thy love and mercy, I cannot but feel the force of the expression, "What is man that thou art mindful of him, or the son of man that thou dost visit him!" Oh forgive my sins, for Christ's sake, pour out thy Spirit upon me, and enable me to live nearer to thee! This is the time of my life when I ought to be the most useful, when I should be the most earnestly engaged in preparing for another and better world, and promoting the eternal welfare of my fellow-men. Yet how far I am from this point of duty! Although somewhat engaged in preparation for meeting my God on his judgment-seat, the condition of my fellow-immortals occupy but a small portion of my thoughts. I make my pecuniary contributions, and with them almost terminates my interest. My thoughts are devoted to this world, its possessions and honors. The whole fault is in my heart, which is far from God. Oh may it be changed, may my affections be sanctified, and my soul fitted for heaven!"

### 1839.

This was an eventful year for me. Several events transpired which distinguished it from other years of my life.

The first, in order of time, and in importance, was a change of our ecclesiastical relations.

Early in April, we left the First Presbyterian church in Wall Street, and commenced attending a church in Ninth Street, which belonged to the Collegiate Reformed congregation. The new edifice, which this congregation had erected at the corner of Fourth Street and Lafayette Place, was dedicated on the 9th of May. The pews were sold on the 3d of June,

and I purchased an eligible one. On the 5th of that month, I addressed a note to the Rev. Dr. Phillips, the pastor of the First Presbyterian church, and asked a dismissal of Mrs. Foot and myself from that church to the Collegiate Reformed church. My note closed with this remark :

“ In taking leave of the church under your care, permit me for myself and Mrs. Foot to express the deep sense of gratitude we feel to the Great Head of the church, for calling us into communion with His chosen people, and to you, as His instrument, in accomplishing that happy result. We regret separating ourselves from the Presbyterian church just at this time, when it promises great usefulness and harmony of action, but our distance from any congregation in connection with it, seems to render the measure necessary. We wish it, however, and all connected with it, a long career of signal success.”

I received the usual certificate the next day, and presented it to the Rev. Dr. Knox, the senior pastor of the Collegiate church.

The reasons of this change are stated in my diary as follows :

“ We have been led to this change, principally, on account of the distance from our residence of the church to which we belonged. We have, for the last two years, spent upon an average two hours of each Sabbath in the street, walking and riding to and from church. We severed our connection with the Wall Street church with great reluctance. It is the only church, which I have steadily attended in this city, and the one with which I united when I openly professed my attachment to my Redeemer. Mrs. Foot has attended it from her infancy. But the time spent, I may say, wasted, in the street every Sunday, the difficulty of attending the exercises at the lecture-room during the week, and the almost impossibility of sending our little ones to the Sunday school, determined us to seek another place of worship. The Presbyterian churches in our vicinity all belong to the Third Presbytery of New York, which has seceded from the Presbyterian church of the United States, by reason of differences in doctrine and practice, in respect to which, Mrs. Foot and I wholly disagree with the secession. There is consequently no church and congregation

in our neighborhood, with whom we can so cordially unite, as the Dutch Reformed; and I pray God to bless our choice, and render it a means of drawing us nearer to Him, and of bringing our children into the bosom of His church on earth."

The next unusual event of the year was the separation of your mother and myself for nearly all of three months. On the 3d of June, she took the two youngest children and accompanied our brother and sister, Mr. and Mrs. D. Lawrence Clark, to their residence in Geneva, and remained there till the 7th of October. Our oldest boy, John, remained with me in the city. On Friday, the 28th of June, I left the city for Utica, to attend the term of the Supreme Court, which commenced there the next Monday. Finding that my attendance the first week of the term was not required, I went on to Geneva, and passed a week with your mother and our relatives; then returned to Utica, where I was detained by professional duties until the 24th of July, with the exception of three days, which were occupied in going to Ithaca to attend a convention, held there on the 11th of that month, to promote the construction of the New York and Erie Railroad, to which I had been appointed a delegate from the city of New York. Returning to the city on the 24th, I remained there only a few days. On the afternoon of the 29th, I left with my little son, John, for Geneva, where we arrived on the 31st, and where I remained till the 2d of September, spending the whole month of August there. On the 2d of September I returned to the city, spent that month there, and on the 2d of October went to Geneva for your mother and the children. We all left Geneva for New York on the 7th of October, and arrived there safely on the 9th.

Your mother and I exchanged letters almost every day. Our children will find them in the family correspondence, and I hope will read them, as well as the other letters which passed between their mother and me.

The next event of the year, in the order of time, was the delivery of an argument before the Supreme Court at Utica,

in favor of the constitutionality of the General Banking Law, passed the year before.

This was the most important cause I had ever argued, both as regards the amount of property involved, and the extent of the interests and business of the community, affected by the decision. I was retained while at Utica, and had only about one week to prepare for the argument. I employed, however, the whole of my time, both night and day, save the few hours each night required for sleep. At the request of the parties interested, I wrote out my argument, and had a large edition of it printed at Geneva, while there in August, for general circulation. This was done on account of the great interest the public felt in the question, as well as to create a correct public sentiment, in view of the decision, which our popular Court for the Correction of Errors would give on the question the following winter, as it was known that the cause would be carried to that court, argued, and finally decided there.

This argument greatly increased my professional reputation, and added largely to the number and importance of my future engagements.

It is No. 23 of "Papers Written by me." I have added to it, the notices taken of it in the public journals, not to gratify my vanity, but to let my children, especially my sons, who are following my profession, see that reward follows effort.

There are in my diary several particulars and incidents of this argument and its publication, which may interest my children.

The convention held at Ithaca on the 11th of July, to promote the construction of the New York and Erie Railroad, was an interesting assembly. There were a large number of delegates from the city and other sections of the state interested in the construction of the road, all of whom were men of high character, and many of them quite distinguished. I say in my diary: "The convention met at 12 o'clock. The residue of that day and the evening were passed in it. I was on the

committee to prepare and present resolutions, and took an active part in forming those which were presented to the convention and adopted." My diary contains a full account of my journey from Utica to Ithaca, and of the gentlemen whom I met and passed my time with.

The next event of the year was spraining badly my ankle, while running and playing with my little boys at Geneva in August. This kept me lame for nearly a year, and obliged me to use a carriage, whenever I moved from place to place, and to hobble about the courts. I mention this trivial incident merely to enable me to say, that lawyers are good for something beside serving their clients. For after trying numerous remedies prescribed by physicians without material benefit, my sprain was cured in three weeks, by an application recommended by a brother lawyer, the late Joseph Blunt. It was simply, giving my ankle three times a day, a bath, as hot as I could bear it, in a strong decoction of wild cherry bark.

The next and a far more interesting event was the birth of a second daughter at Geneva on the 31st of August. The entry in my diary respecting it is as follows :

"This last little one is our fourth child ; and for her I return most sincere thanks to the Creator of all things, and especially for her being perfect in body, and endowed with ordinary faculties. May she live to His glory and the good of her fellow-creatures."

The last event of the year, worth mentioning, was the delivery of a lecture on the evening of the 26th of December, at the Lyceum, in Brooklyn, before "The Hamilton Literary Association," on "The Moral Influences of Revulsions in Trade."

I had a large audience ; the lecture was well received, and as I afterwards learned, highly approved. The Society passed and sent me a resolution of warm thanks for my "very able lecture."

This lecture was not written, but delivered from very brief notes, hardly anything more than clue-words. They are among my old papers of this year.

My time this year was mainly and earnestly devoted to my profession. Social duties, of course, took up some portion of it, and I was able also to read occasionally something beside the daily journals. I had no regular exercise beyond walking to and from my office before spraining my ankle; nor any recreation beside that taken at Geneva, with the exception of a couple of days in February, which your mother and I passed in visiting your grandmother and aunt Eliza at Springfield, and a trip of pleasure and business, which we made to friends in Philadelphia on the 20th of that month, and which occupied only three days.

While at Geneva, my time, except that portion of it in August occupied in superintending the printing of my argument, was spent in fishing, riding, rowing on the lake, social intercourse, and light reading.

Beside the time spent at Utica, my professional engagements took me out of the city four times, and each of those times to Albany. The first time early in April, the second in the first week of May, and the third and fourth in November. My absence each time, however, was only for a day or two.

That my sons, especially those following my profession, may see in how many ways my professional acquirements were called into requisition, I will mention that in March, "The Fulton Ferry Association" retained me in some controversies, which they anticipated, and at their request I wrote an article for the public journals, which is No. 24 of "Papers Written by me."

Some extracts from my diary, showing the state and current of my religious feelings and duties, will close my account of the year 1839 :

March 4th, Monday.—"The sacrament of the Lord's supper was administered in our church yesterday. Mrs. Foot and I attended. It was an unusually interesting season for us, as we expect to leave the Wall Street church and unite with one in our neighborhood. It sometimes appears to me as if my soul was destitute of heavenly grace; at others, as if I had felt the full force and benefit of the renewing influence of God's Spirit. At these



times my soul rejoices in the full assurance of reconciliation with God in Christ."

May 11th.—"My religious duties in my family have been regularly performed during the last two months, and I hope with increased interest. Although still absorbed by the world and its pursuits, I feel occasional assurances that God in His mercy is ripening me for heaven, through the blood of my Redeemer."

June 17th, Monday.—"The sacrament of the Lord's supper was administered yesterday, in which I united. \* \* \* The communion yesterday was delightful and refreshing to my spirit. I do not recollect a similar occasion on which my communion with my Father and Saviour was more full and perfect, and on which I enjoyed more highly the presence of my God. I only regretted my dear wife was not with me, but I consented to her going to Geneva, indeed promoted it, and ought not now to regret it."

September 4th.—"Thus my summer has been happily and prosperously passed, so far as all temporal interests are concerned. My Heavenly Father has been merciful and kind to me. He has kept me and mine in life and health. Indeed there is nothing more which I could reasonably desire; and now comes the solemn question, what returns have I made for all these benefits? The humiliating answer is, none. My devotions have, it is true, been regular, but oftentimes dull and lifeless. This and many other like evidences show me, that my heart is cold and is not with my God. I do not love His word as I ought. My affections are not on Him supremely. They are on the world—the empty, dying world. O God, whither shall I flee? Nowhere, nor to any one except to the arms of my Redeemer. Do, blessed Father, help me to live nearer to thee—take me and mine into thy holy keeping, and let me not go astray—save me, for thy Son's sake."

November 17th, Sunday Evening.—"Our little Mary was baptized during the afternoon service. Dr. DeWitt performed the service in the pulpit, and Dr. Knox at the font. Mrs. Foot and I repeated our vows to bring up our children in Christian principles. May God add His blessing to this dedication of our child to Him."

December 17th. My birthday.—"I am afraid to say, and yet I feel almost assured, that the work of grace has somewhat progressed in my heart. My religious duties are more and more

agreeable to me. \* \* \* I pray my Heavenly Father to aid me in my endeavors to be at peace with Him in Christ. My life is drawing rapidly to a close, and I hope to be in readiness to depart when my summons comes."

## 1840.

The closing sentence of my diary on the first day of this year is as follows: "I hope, with the blessing of God, to live a better life this year than I have ever done before, and to accomplish more for myself, my family, and my fellow-men, than I have ever before in one year." To realize this hope, I found it not only useful, but essential, to go back to the writing of my diary daily. After omitting to write it from the 2d of March to the 22d of June, and then recording from recollection the occurrences in the meantime, I say:

"I have neglected my diary too long, and shall hereafter write it more frequently; as I need the checks, which it makes against the approaches of negligent habits." On the 30th of that month, my diurnal entry closes thus: "I already derive a benefit from the writing of my diary daily, and, with God's blessing, I hope to continue it with further profit to my soul and mind. It especially checks me in regard to mispending time." In my diary of the next day but one (July 2d), I write: "I perceive more clearly, every day, the advantages of my diary. I do not know how I could suspend it so long. When left to myself, the downward tendencies of poor humanity produce upon me their natural effects; but with the aid of the blessed Spirit, I hope to counteract them and elevate my affections and thoughts to a standard approaching, at least, the high destiny of an immortal soul."

From that time forward to the present day (March 8th, 1869), I have written my diary daily, except when prevented by some cause beyond my control, and intend to do so while life lasts.

My profession this year occupied so large a portion of my time, and made such heavy exactions upon my powers of body and mind, that my health gave way near the close of it.

My social duties as usual took a portion of my time ; general reading had a small share of it, and on some eight or ten different occasions, I was able to devote a short time to reading Virgil.

My exercise, this year, was less than usual, and consisted mainly in walking to and from my office when the weather would permit ; nor was I able to obtain my usual recreation and relief from business during the months of July and August. The Court of Chancery held a session in July at Saratoga Springs, and the Court for the Correction of Errors in August and September, at the same place, both of which I was obliged to attend, and argue several important causes at each. To this I attribute mainly my illness at the close of the year.

My professional engagements this year increased more in importance than in numbers. I was so engrossed by them, that I made but one public address, and wrote but one article for the public journals during the year.

My professional duties took me frequently from the city, and obliged me to spend considerable time out of it.

On the 14th of February I went to Albany, to take part in the argument before the Court for the Correction of Errors, on the constitutionality of the General Banking Law. I commenced my argument on Saturday the 22d of February, and completed it on the Monday following. It was merely a condensation of my argument of the same question before the Supreme Court—was well received and favorably spoken of in the public journals. I returned home on the 27th. On the first Tuesday of April, I went again to Albany, to hear the decision of the court on the constitutionality of the General Banking Law, and to argue several causes at a special term of the Supreme Court, two of which were of considerable importance. I was detained there several days. The Court for the Correction of Errors having decided that the General Banking Law was constitutional, I went again to Albany on the third Tuesday of April, to obtain the passage of a second resolution by the court respecting the General Banking Law

—was heard on the subject before the court, and succeeded. This detained me in Albany some days.

On the 20th of July, I went to Saratoga Springs, to attend the Court of Chancery, and was detained there till the 25th, when I returned to the city. While there I was constantly engaged in court. On the 14th of August, I went again to Saratoga Springs, to attend the Court for the Correction of Errors, having several causes on the calendar for argument at that session of the court. I argued one of them and returned to the city on the 21st. I went again on the 1st of September and remained there till 9th. While there on this occasion, I was occupied almost daily in the argument of causes. I argued three. The last one was a very important one. It involved the validity of the provisions of a will disposing of a large real and personal estate. Their validity depended on a true construction of our then late statutes, which constituted our then new system of law of real property. My diary contains the following entry respecting this argument :

“I am thankful to my Heavenly Father for the possession of health and talents which enabled me to make this argument. The universal opinion was, that it was the best argument which had been made in the court, while any of the present members had belonged to it, especially on the subject of our new system of law of real estate and trusts. This is great cause of just thankfulness, considering that the most eminent counsel in this state were engaged in some of the earlier causes involving many of the principles of that system. I had many congratulations on the adjournment of the court, and my friends apprised me of the opinions entertained of the argument.”

My recreation and relief from business this year was unusually limited. Your mother and I spent a day with your grandmother at Springfield in April, another day with her in May, and a Sabbath with her near the end of June. Our little daughter, Mary, becoming ill in the city, we were advised to take her to the sea-shore. On the 16th of July I took your mother and the children to Bockaway, and returned to the

city the next morning. Your mother and the children remained there till the 10th of August and then came back to town. While your mother and the children were at Rockaway, I was able only to pass two Sabbaths with them in July, and in August, make them a couple of visits of three days each. On the 24th of August, your mother and the children went over to Springfield to pass a few weeks with your grandmother. They remained with her till the 14th of September, when they returned to town. While they were at Springfield, I passed a couple of Sabbaths with them, and made them two visits, one of one day, and the other of two days. These closed my recreation for the year.

Alfred was born on the 25th of October. Your mother was carried safely through "the peril of child-birth." On the 29th of that month, I wrote an article of considerable length for the public journals, which was published but has not been preserved. It related to a temporary matter. On the 20th of November, I delivered an address, or rather an argument, in favor of a Bankrupt Act, before an association of gentlemen who favored such a measure, and had called a public meeting to deliberate on the subject. It was reported and published, and is No. 25 of "Papers Written by me."

I was taken ill on the 18th of December, but not confined to my house till the 20th; but from that day onward, for several weeks, was so confined. A fuller account of this sickness will be given in the next year.

Some extracts from my diary will show the manner in which my religious duties were performed this year, and my spiritual condition :

March 2d.—"I can see no improvement in my mode of life, unless it may be in the increased happiness which I derive from performing my devotional duties. My attendance at church is uniform and more and more agreeable to me. I hope the work of grace is progressing in my heart, and that as I approach the grave, my soul is becoming fit for the presence of my God. Unless self-deceived, my interest in my Redeemer increases, and he grows more precious to my soul. My connection with the Reformed

Dutch Church continues to be agreeable, and becomes more so, as my acquaintance with the congregation and pastors extends and improves. The church appears to be united and happy."

July 6th, Monday.—"My established hours and habits, and which I intend to pursue, are as follows: When I first enter my library in the morning, I engage in private prayer, then read a chapter in Scott's Bible, with the notes and practical observations (I have now reached the 67th psalm, which I read this morning, and intend to go through the Bible in course, having in that manner read to the psalm in question), after that write my diary of the day previous, then read the morning paper; walk, if time and weather permit, till 10 or 15 minutes before 8 o'clock, when Mrs. Foot and the children come into the library and we engage in family prayers; these devotions are usually brief, so as not to weary the children and give them a distaste for them—scarcely exceeding ten minutes. We breakfast at 8 o'clock. We have family prayers generally in my library, though sometimes in the parlor at 10 o'clock P.M. I usually read a chapter and then pray. At this hour the children are not present, as they are sent early to bed."

July 9th, Thursday.—"Dressed and in my library this morning at 6½ o'clock—usual private devotions and reading, but was more deeply interested than usual—had a closer and sweeter converse with God, and spent a delightful hour."

July 13th, Monday.—"My manner of spending yesterday was very far from what it ought to have been, and when I came at evening to review the duties of the day, and noticed my deficiencies and departures from a just observance of it, I could not but feel deeply humbled and sincerely penitent. I read but little during the day. Only one chapter with notes and observations in the morning, and one chapter at evening devotions. Besides this, I read a few articles in the Observer after breakfast and before church. Mrs. Foot and I attended church forenoon and afternoon. Our two little boys were with us. My attention in church was only tolerable, though better than it has sometimes been. The services were excellent. Many of my thoughts and reflections at home were holy and heavenward, and considerable of the conversation, which Mrs. Foot and I had, was appropriate to the day and edifying. A good deal of my time, however, was whiled away with

the children. On coming out of church in the afternoon, I made some light remarks to a friend, inconsistent with the solemnity which ought to have, and, indeed, did characterize my feelings after hearing the sermon of Dr. DeWitt. This occurrence, on reflection, gave me unhappiness, and added to my regrets respecting the mode of passing the day. All this only shows me, how sinful I am, and how far my soul is from God, and convinces me, if left to myself, I should soon be an outcast from His presence. O God, have mercy on me! Do not leave me to become my own keeper, but take me into thy holy keeping. I ask it for Christ's sake."

October 25th. The day of the birth of Alfred.—"God has given us another perfectly-formed and healthy boy, whom we shall name Alfred. Mrs. Foot appears to be doing well. For these evidences of the goodness of my God, I return my sincere and hearty thanks. This is the fifth healthy and well-formed child that has been given us. No death in our family has interrupted the happiness of Mrs. Foot and myself since our marriage, nor have we had much sickness. Our kind Parent in heaven has dealt mercifully with us. And now, O God, I commit this little immortal to thy holy keeping, and pray thee to receive him as thine old child in Christ."

December 17th, Thursday.—"This is an interesting day to me. It is not only my birthday but Thanksgiving day. Both events lead to a careful and considerate review of the past year. The first and most impressive thought, is the goodness of my God in having preserved me from my infancy to this time, and fed, clothed, and protected me and mine during the past year. This day I am fifty years of age, and have lived half a century. How short the time appears, and how little have I accomplished for the good of my fellow-men and the glory of my God! Twenty-seven years, within a few days, have been spent in my profession. I have done a vast amount of business, and in this respect my life has not been altogether barren, though I ought to have at this time a more commanding professional reputation. My views have not been as expansive and elevating as they ought to have been. I have been too readily contented with accomplishing successfully and satisfactorily the business in hand. If my life is spared another ten years, I hope to feel and exhibit a more enlarged view of my profession. The last year has yielded me a rich harvest of profes-

sional success. My business has been of a high character and produced an abundant reward. God has especially blessed me in my family the last year. He has given us another child, perfect in form and endowed with ordinary faculties. My family has enjoyed almost uninterrupted health. We have had a happy and prosperous year. Mrs. Foot and I are very happy in our connection, and it is to be hoped that we live in reverential fear of God, and in accordance with His ordinances. She is certainly very dutiful and affectionate to me, and a most vigilant and faithful mother. It is with deep and heartfelt gratitude to the Giver of every good and perfect gift, that I return Him thanks for a virtuous and affectionate companion. Our children all continue promising. May God continue to bless and prosper us, and may we reward His love by more holy and lovely lives."

1841.

The beginning of this year found me prostrated by sickness and confined to my house. The entries in my diary will give the best account of the condition of my mind and body :

Wednesday, January 6th.—"My Heavenly Father has seen best to afflict me with a severe illness. I have been confined to my house since the 20th of December last, and am still so confined. I have been greatly reduced by my disease and the remedies applied, though I am now gradually gaining my strength. The seat of my disease is my liver. It does not yet appear to be in full performance of its functions, and I fear a tedious confinement to my house yet awaits me. But God's will be done. "Whom He loveth He chasteneth." He sends sickness or health as the good of his children require. \* \* \* I have been able to read considerable for the last two or three days, and yesterday held two consultations with clients on business. This is the first illness which has ever overtaken me. God has spared me till this time, and given me the enjoyment of uninterrupted health. For this my thanks should be unbounded. I needed the admonition of this sickness to arrest and modify my ambition and worldly-mindedness. May it be sanctified to me and my companion, and teach us to be



ready for all God's providences, whatever they may be and whenever they may come. Should my Heavenly Father permit me to enjoy a full restoration to health, I shall be able more fully to appreciate the blessing, and shall take more care to preserve it."

Thursday, January 14th.—"I am still confined to my house, though my health is considerably improved. I have ridden out twice, and been once down to my office and spent an hour and a half there. Still my strength is far from being restored, and the functions of my body are still imperfectly performed. My God has the issues of life and death in His hands, and to His decrees I trust I am ready to yield a willing obedience. He has kept me from my youth upwards, delivered me from many temptations, and saved me in the midst of many perils. Why should I not now trust in Him, and wait His own good time in restoring me to health? O God, thou art my Creator, Preserver, and bountiful Benefactor. Thou art too my Redeemer and Saviour. The blessed Jesus, one of the Godhead, died for me and is now my intercessor at the right hand of the Father on the throne of glory. How many reasons I have to put my trust in my Heavenly Father, and say, Not my will, but thine be done."

"Since last writing my diary, I have occupied my time in reading, writing letters to friends, and attending to such professional business as could be accomplished at my house. We resumed our family devotions at 10 P.M. several evenings since. Mrs. Foot has read a chapter every evening, and I have been able to make a prayer. Mrs. Foot attends to the children's devotions morning and evening. I hope soon to resume all our usual devotions, and trust my illness will give them a more marked character of earnestness."

Finding that business was pressed upon me, and that my health improved slowly, I left the city on the 19th of January accompanied by my nephew, Thomas A. Davies, and went to Hartford, Connecticut, to pass a few days with my nephew, Prof. Charles Davies, and his family. My health improved there far more rapidly than in the city. My time was passed agreeably. I rode and walked, and when in the house, read, played chess with the Professor, and conversed with him, Mrs. Davies,

and friends who called. On the 23d of January, the Professor and I went over to Watertown to visit my brother and sister Scovill, on the old farm where I was born. We staid there several days. My health improved rapidly while there and breathing my native air; so that on our return to Hartford, on the 27th, I felt quite well. The next day I returned to the city and resumed my usual duties. I found, however, after a while, that my health was not as firm as before my sickness. Daily attention to my diet and exercise became necessary. I walked every morning before breakfast, unless prevented by severe weather. Finding that did not give me sufficient exercise, I rode on horseback from three to five miles every morning the weather would allow, until I went West in July following. I had occasional turns of illness in May and June, and again after my return from the West, in September, October, November, and December. On the 13th of November, I say in my diary: "My health has not been perfect for some time past, and I have taken to an entirely vegetable diet, which has greatly improved it." These sicknesses were not so severe as to prevent me entirely from attending to my professional duties, but constantly warned me of the uncertain tenure of my health. On the 17th of December, my birthday, I wrote:

"My own health, though imperfect during a considerable part of the year, seems now to be quite restored, which I attribute to a blessing on a more self-denying course of diet than I have hitherto pursued."

This year was almost wholly given to professional and social duties and miscellaneous reading. My professional engagements were in general of a high order, and called into intense action all my powers. This produced a heavy strain on my health, and was generally the principal cause of my ill turns.

The instruction and training of my children began this year to require a larger portion of my time, while your mother never ceased to give her whole head and heart to the care of

your health, and to your intellectual, moral, and religious instruction and training, she yet needed and received assistance from me. We always acted in entire harmony in everything that concerned your temporal and spiritual welfare.

I had but little time this year for public duties. The passage of a Bankrupt Act by Congress attracted a large share of public attention. I favored it, as already mentioned in my account of last year, and in March wrote a full article upon the subject for a periodical published in New York called *Arc-turus*. The article is No. 26 of "Papers Written by me." It was noticed and commended in several public journals.

My professional engagements took me to places outside of the city several times during the year. I attended the Supreme Court at Utica from the 15th to the 21st of July, and the Court for the Correction of Errors at Buffalo from the 6th to the 11th of August. I argued several causes at Utica, and one important one at Buffalo. I attended a Circuit Court at Ithaca, on the 31st of August and 1st of September, and commenced the trial of a very interesting cause for my nephew, Thomas A. Davies. The trial was suspended in consequence of informality in taking the testimony of some foreign witnesses. In the second week of October, I spent a couple of days at Albany in professional business.

My recreation and relief from business after my return from Hartford, Connecticut, consisted in visits to Springfield and Geneva.

While your mother with some of the children was passing a week with your grandmother at Springfield the latter part of May, I went over and spent a couple of days there. On the 8th of July your mother and I with all the children left the city for Geneva, to pass a couple of months with our brother and sister, Clark. We remained there till the 6th of September, when we returned to town. My own stay there was interrupted by the professional engagements, which took me to Utica, Buffalo, and Ithaca as already mentioned. While at Geneva, my time was passed in reading, paying and receiving visits, riding, walking, fishing, and sailing on the lake. My

health was greatly improved by this recreation and relief from business, and when I returned to the city, seemed to be fully restored ; but I soon learned the contrary.

Your mother took Euphemia and Alfred and went over to Springfield on the 22d of September, to pay your grandmother a short visit. A few days after, I took John and Samuel, went over and passed a couple of days. We then all returned to the city. This completed my year's recreation.

Some extracts from my diary will show the state of my religious feelings after my restoration to health, the manner of discharging my Christian duties, and my efforts to lead a holier life.

March 20th, Saturday. The day following the evening in which our little boy, Alfred, was baptized.—“It is a great privilege to be allowed to dedicate our little ones to the Lord, who gave them to us—to place them as it were under His special protection, and within the pale of His church on earth. O God, accept my sincere and hearty thanks for the enjoyment of this precious privilege—receive this little one as thine own in Jesus—take him to thyself, and so order that he may be raised in thy fear and admonition. I ask it for my Saviour's sake.”

Monday, March 22d.—“The sacrament of the Lord's supper was administered yesterday forenoon, of which Mrs. Foot and I partook. It was most acceptable to my feelings, yet led me to a severe scrutiny of myself, from which my sinfulness was more manifest and heinous than ever before.”

April 3d, Saturday.—“I have not mentioned for some time our daily devotional exercises, and now refer to them only to say, that they are continued with increased regularity, and I hope with increased pleasure.”

Tuesday, April 6th. After stating that the day and evening had been devoted to business.—“This devotion to business would quite absorb me, but for the kind and ever-wakeful care of my Heavenly Father, who has led me to consider my latter end, in whose worship I take unalloyed pleasure, and the influence of which restrains me from an entire surrender of myself to the things of the world.”

Wednesday, April 7th.—“Read a full chapter yesterday morn-

ing, and felt its influence during the day. There is no preparation for the duties of the day so effective and delightful, as communion with my Heavenly Father by prayer and reading His Word. His Word is His will for my guide and instruction."

Saturday, May 1st.—"Yesterday was the close of my fiscal year. My income from my profession was larger last year than ever before. For this, I trust, I am truly grateful to the Giver of every good and perfect gift."

Thursday, July 1st.—"Read yesterday morning and completed the third volume of Scott's Bible. I begin this morning the Prophecies, which are contained in the fourth volume. Thanks be to thee, Heavenly Father, for inclining my heart to the reading of thy Word. May my soul grow in heavenly graces, until it is fit for thy presence."

Sunday, July 4th.—"This is the anniversary of our national independence, and again I have to thank my Heavenly Father for continuing to me through another year the enjoyment of civil and religious liberty, and the protection of my rights of person and property. Blessed Father, thou dost deal mercifully in all things. May I rejoice in thy love and care, glory in thy name, and submit myself to thy will."

Monday, July 5th.—"Attended church yesterday forenoon and afternoon. Heard Dr. DeWitt in the forenoon, and Dr. Knox in the afternoon. Dr. DeWitt preached a sermon appropriate to the day. The thoughts of the world crowded in upon me during the services in church, and deeply humbled me. The things of this world, especially my property and the increase of it, distract and occupy my thoughts too much, so much indeed, as frequently to give me great unhappiness. This is wholly inexcusable, very sinful, and shows the unholy state of my heart. Gracious God, give me the aid of thy Spirit to subdue this worldly-mindedness, and bring my heart under the purifying influence of holy love. Help me to judge rightly in respect to the amounts and objects upon which I should bestow that portion of the property thou hast given me, in promoting the good of my fellow-men and thy glory on the earth."

#### MEMORANDUM.

Very often, indeed almost every Sunday during the years your mother and I were members of the Collegiate church, do

I mention in my diary the faithful, excellent, instructive, and impressive sermons delivered by the pastors, Drs. Knox, De-Witt, Vermilye, and Brownlee—the great benefit we derived from attending on their ministry, and the happy state of our ecclesiastical and ministerial relations. I feel a deep debt of gratitude to them for their fidelity to me and mine.

Sunday, August 15th. A few days after my return to Geneva from Buffalo.—“I have not read my Bible as regularly as usual. This shows me how far I am from God, and how necessary is constant watchfulness to keep myself in the course of my usual daily duties.”

Monday, September 13th.—“Spent yesterday better than my Sabbaths are usually spent. Attended church forenoon and afternoon. The services were delightful to me, after so long an absence from my usual place of worship. I also read more than usual during the day, and was less disturbed with worldly thoughts than ordinarily.”

Monday, November 15th.—“Yesterday was a delightful day to me, and I think I can say better spent than any Sabbath within my recollection, though many worldly and visionary thoughts crowded into my mind during the day, and even in church; the current of my thoughts and feelings, however, was heavenly.  
\* \* \* Went to Sunday-school with the boys and opened it with prayer.”

Monday, December 6th.—“My Sabbath yesterday was far from being well spent. The thoughts of the world continually beset me, and prevented me from discharging the duties of the day as I ought. O God, forgive me for this abuse of thy holy day, for my Saviour's sake, and give me the aid of thy Spirit to live a more holy life.”

December 9th, Thursday.—“This day has been set apart by the Governor of this state as a day of thanksgiving and prayer for past mercies. It reminds me of the passing of another year, and of the goodness of my Heavenly Father. He has bountifully provided for all my wants, and truly crowned my life with His loving-kindness. Yet how far has my life been from that holiness of spirit which is due to Him.”

Monday, December 20th.—“I attended church forenoon and

afternoon. We celebrated the Lord's supper in the morning. It was a refreshing season to my soul. My thoughts were with my God and Saviour. Oh, how delightful thus to commune with Him, and dedicate myself anew to His service and a holy life! Heavenly Father, let me have the aid of thy Spirit to live in communion with thee."

I have never entered in my diary my contributions to religious and charitable objects, acting in the spirit of the direction of the Saviour, "Let not thy left hand know what thy right hand doeth;" but have always given to those objects what I deemed it my duty to give.

### 1842.

This year is commenced by a remark in my diary, that "In the review of the past year or two, I do not see that I can make any arrangement for the use of my time and discharge of my duties, better than that which I have pursued."

My time this year, as last, was almost wholly occupied in professional and social duties. I found time, however, to read a good deal, and give considerable attention to my children, especially to the education of my two boys, John and Samuel C.

There were this year three professional incidents, which drew public attention favorably towards me.

The first was a trial at the Tompkins County Circuit, held at Ithaca, early in March. It lasted ten days, involved a large sum of money, and developed a romantic and gigantic fraud, contrived and carried into execution by a man of great wealth living in that county, by means of which he fraudulently obtained from merchants in the city of New York a large amount of goods, employing for that purpose unscrupulous agents, and furnishing them with funds to accomplish the object, while he kept himself out of view, and apparently had no connection with the fraud. My nephew, Thomas A. Davies, was one of the largest victims of this fraud, and was the party interested in exposing it. We were successful. I say in my diary: "The argument which I made to the jury

was probably as happy a professional effort as I ever made." The trial attracted a large share of public attention in that part of the state, and is even still (1869) remembered and often spoken of.

The second incident was an argument before the Supreme Court, and a few weeks after, before the Court for the Correction of Errors, involving the right to control the city government for that year. The Whigs claimed to have elected a majority of the Common Council. This was denied by the Democrats. The question was first argued before the Supreme Court. I closed the argument in that court on the side of the Whigs, on Saturday evening, the 28th of May. The court decided in our favor on the following Monday. My argument was published in several of the city papers. A copy from the *Courier and Inquirer* of the 13th of June, and a remark of the editor, is No. 27 of "Papers Written by me." The question was again argued before the Court for the Correction of Errors, near the close of June. I delivered my argument in part on the 29th of that month, but being unwell, asked the court to adjourn and allow me to finish it the next day, which they did. It was one of my best efforts. In my diary is this entry :

"I am happy to find that it (my argument) was well received, and by many it is said to be equal to any argument ever delivered in that court."

The third and last incident was on this wise : An earnest controversy arose between Colonel William L. Stone, the editor of the *Commercial Advertiser*, and J. Fennimore Cooper, the author of the *Naval History of the United States*, respecting a criticism published in the *Advertiser* on the narrative of the battle of Lake Erie contained in that history. A suit at law was pending between the parties, and they agreed to submit the questions arising in the suit, and other special questions relating to the narrative and criticism, to arbitration. Mr. Cooper selected Samuel Stevens, an eminent lawyer of Albany, Colonel Stone, Daniel Lord, jr., an eminent lawyer of New York, and the parties mutually agreed upon me as



the third arbitrator. The hearing before the arbitrators took place in May, and occupied several days. Eminent counsel were employed on both sides. I presided. We sat in the United States court-room. The trial attracted a large share of public attention, and drew daily a large audience of ladies and gentlemen. Mr. Cooper made the closing argument on his own side. He was brilliant and able.

We made our award on the 16th of June. I differed with my co-arbitrators on several questions submitted to our decision. My dissenting opinion was published with the award. It is No. 28 of "Papers Written by me." It carried the public judgment with it. Mr. Cooper some months afterwards wrote and published a pamphlet to neutralize its effect, but I believe that the public mind settled down on the opinion, that the narrative of the battle was unfair in the particulars decided by me to be so.

I made a couple of public addresses this year before full audiences.

One was a short address for the Institution of the Blind, delivered on the 24th of August in the Reformed Church of Geneva. About a dozen of the pupils of the Institution were traveling through the country to exhibit their proficiency in knowledge, and commend the Institution to public favor. They stopped at Geneva. A large audience assembled to witness their exhibition. My address was made on this occasion. I say in my diary, "I understood my address was well received."

The other public address which I made this year, was before a meeting held at Newark, N. J., on the evening of the 24th of November, to promote the circulation of the Bible. I have preserved only outlines of these addresses. Neither of them was written out or published in full. They were only briefly, though creditably, noticed in the published accounts of the meetings.

My profession took me frequently from the city this year. I spent three weeks at Ithaca in the latter part of February and early part of March, waiting for an opportunity to try,

and trying the cause already mentioned, and three days in April at Albany, trying a cause in the Circuit Court then in session there.

While at Geneva, in August, I went twice over to Ithaca, and on one of these occasions, spent several days there preparing papers to meet a motion for a new trial in my nephew's case. Near the end of September, I spent a couple of days at Utica to aid my client and friend, David C. Judson, of Ogdensburgh, in a case he had there for trial.

In the forepart of October, I went to Albany and was occupied there in the Court of Chancery nine days, arguing and resisting a motion for a new trial in my nephew's case, and in which we were successful ; and again early in December, I spent a week at Albany attending the Court of Chancery and the Court for the Correction of Errors.

My exercise this year, in the city, consisted only in walking as opportunity offered, and an occasional ride on the Island with your mother and some of the children. My recreation and relief from business, however, were considerable, and greatly improved my health. I passed three days at Springfield in the latter part of April. My two boys were with me. We spent the whole three days in recreation. Your mother went over to Springfield on the last day of June, and took several of the children with her. She staid till the 28th of July. I went over with them and remained several days, being ill from over-work in my profession. While your mother was at Springfield, I went over every few days and sometimes staid several days—nearly half my time was passed there, fishing, walking, riding, visiting, and light reading.

On the 28th of July, your mother and I, with the children, who were with us, came to the city and proceeded to Geneva, where some of our children already were, they having gone to Geneva with their Uncle and Aunt early in the season. Your mother and the children remained in Geneva till the last of September, when they returned to the city. Mr. and Mrs. Clark came with them. I returned to the city and resumed my usual duties on the 1st of September, but went to lodg-

ings, our house having been repaired and painted during the summer, not being yet ready for occupancy. My month of August at Geneva was given up to rest and recreation. I spent it in hunting, fishing, riding, walking, sailing on the lake, visiting, and light reading. My health was materially improved, and on my return to the city seemed to be fully restored. The only additional recreation this year consisted in passing a few days at Christmas at Springfield, with my two sons, John and Samuel, skating, coasting, and other amusements on the ice and snow.

While recreation and cessation from business brought my health up to nearly or quite a sound state, yet the exactions of professional efforts soon showed me it was far from perfect. I had several turns of illness during the year, and on two or three occasions was obliged to withdraw from business for some days and resort to medical aid.

Feeling that the tenure of my life was precarious, I deemed it my duty early this year to make a will, which I did on the 16th of February. It was in the following words :

"I give and devise all my real and personal property, of every description, to my wife Jane and her heirs, and appoint her executrix of my will."

Attached to it was a memorandum in the following words :

"My dear Jane will see by my will, that I have given all my property to her. My motives, I presume, will be plainly seen by her and my children; but to avoid any misapprehension in that respect I state, that reposing unlimited confidence in the judgment and principles of my dutiful and affectionate wife, and knowing her fidelity as a mother, I have thought this disposition of my property would best enable her to discharge the responsible duties of a parent to our children, which will devolve on her alone after my decease.

"Having thus discharged my duty to my dear wife and children according to my best judgment, I commit her and them to the keeping of my Heavenly Father, and pray that His blessing may follow the widow and fatherless, and that in His own good time, we may all meet in His mansions of rest.

"February 16th, 1842.

SAM'L A. FOOT."

This will continued in force over twenty-four years, and until the 27th of November, 1866. I then canceled it and made another one. On the back of this canceled will I wrote as follows :

November 27th, 1866.

"The advanced age of my wife and the increased ages of our children, render it neither necessary nor just, to cast upon her the duties and responsibilities which the within will does. I have therefore canceled it, and substituted another in its place. But I leave this to show my dear wife how perfect my confidence in her has ever been, and my present will shows that it has received no abatement.

"SAM'L A. FOOT."

My children will see from the preceding, the estimation in which I held their dear mother.

She was removed from us by sudden death, only two months and three days from the day the old will was canceled and the new one made. Of her character and death I shall write fully when I reach the year 1867.

Some extracts from my diary will show what progress, if any, I made in holiness of life—my efforts to live near to my God, and my constant failures to do so :

January 3d, Monday.—"Spent my Sabbath yesterday better than usual. My attention to and interest in the services was greater than ordinary."

January 17th, Monday.—"Yesterday was better spent, perhaps, on the whole, than is usual with me. My evening certainly was, though large parts of the day were very improperly wasted. They were occupied on secular subjects. I felt drowsy also during a part of the forenoon service. Sometimes it really appears to me as if I had no abiding holiness of spirit, and perhaps I have not. God only knows. Oh do not, blessed Redeemer, allow me at last to become a cast-away."

Tuesday, March 22d. (Diary of Monday omitted).—"On the Sabbath we had communion in our church, and the festival was delightful to me. My duties during the day were performed better than usual, and but for worldly thoughts the day would have been passed somewhat as it ought."

May 1st, Sunday.—“Closed my accounts yesterday for the year, and found that my receipts for earnings were not quite as large as the year before, yet still very large and far beyond my deserts. God has prospered me abundantly during the past year, for which I trust I am thankful and humble—humble at a comparative view of His goodness and my own unworthiness. Gracious Father, enable me to live more in accordance with thy precepts, and under more holy influences than I have hitherto done. This I ask for my Redeemer’s sake.”

May 30th, Monday.—“Spent my Sabbath yesterday about as well as usual. My mind, however, was so full of worldly topics that I had the greatest difficulty to keep my thoughts in the right direction. I fear a worldly spirit is gaining upon me; not a desire for wealth or official distinction, but for professional success and distinction.”

Sunday, June 19th.—“Spent last evening at prayer meeting, and was called upon by Dr. Knox to make a prayer, which I did. This is the first public exercise of the kind, or rather before so large a meeting, which I ever performed. Although interested and engaged, there was not that entire composure of spirit and feeling which I should like to possess on such occasions.”

Thursday, July 28th. The day we came in town from Springfield and started for Geneva.—“We have had a charming visit to Springfield, and our healths are all improved by it. The children with us are remarkably well. For these blessings, I desire to say we are indebted to Him who giveth us all things. But amid them all, I am far from adoring, loving, and serving Him as I ought.”

Monday, September 12th.—“Spent my Sabbath yesterday better than I recollect to have done ever before. Still my thoughts were far from what they ought to have been during the whole day. There was communion in our church. I trust my soul has been refreshed and sanctified by the festival.”

Saturday, September 24th. The day I went from lodgings to my own house.—“I would here acknowledge the kindness of my Heavenly Father in preserving my dwelling, and permitting me to return to it. Oh may I have His aid to live in it as a Christian father ought, which I ask for my Redeemer’s sake.”

Thursday, 15th of December.—“This is Mrs. Foot’s birthday.

She is thirty-four years old. I thank my Heavenly Father for sparing her to me and our children another year. May she be endued richly with heavenly gifts, and be a bright example of a Christian mother."

Saturday, December 17th.—"This is my birthday. The goodness and mercy of my Heavenly Father have steadily followed me through the year. I have, however, one source of poignant regret, and that is, that I have lived so many years and done so little to promote the spiritual good of my fellow-men and my Saviour's kingdom upon the earth."

We this day received information from Geneva, that our little daughter, Euphemia, who is spending the winter with her uncle and aunt Clarke, had the scarlet-fever. The entry in my diary on the receipt of this information is as follows: "The disease is a fearful one, and the news gives me and Mrs. Foot great anxiety. But the Lord gave and He hath a right to take away, and it is the sincere desire of my soul, that I may be able to say, 'Blessed is the name of the Lord.'"

The entry in my diary at the close of this year lays open so fully and faithfully my thoughts and feelings that I have concluded to insert it:

"Thus has my year passed away. One large portion of my life is gone. This diary only gives the outlines of the manner of spending it. I do not mention the numerous important cases which I try or argue. It is highly gratifying to me, and for which I hope my gratitude to my Heavenly Father is suitably deep, to receive the daily evidence which I do of the confidence of my fellow-citizens in my principles, character, and professional attainments. Sometimes, I feel dissatisfied with myself, at occupying no other than a professional sphere of usefulness. It seems to me as if other objects ought to occupy, at least, portions of my time, but my profession is so exacting, that it scarcely affords me time to attend to my spiritual duties, much less to carry forward any enterprise of benevolence, or usefulness, independent of it. I do not feel willing to close my career in this world without leaving behind me some memorial of my desire to benefit my fellow-men, beside a faithful and honest discharge of my professional duties; yet a kind Providence has not hitherto opened to me any other

field of effort. My children, especially my sons, are beginning to require considerable of my attention. I hope to train them to usefulness and true honor, to lead their souls to their Heavenly Father, and to store their minds with useful knowledge.

"It has been a general rule with me to omit in my diary any mention of my charities. This I do, because they ought to be bestowed in secret as far as possible; but though omitted they are a part of my steady duties, to which I endeavor to give the requisite attention; but in this, as in all my other duties, I come far short of the standard of a truly sanctified spirit.

"The goodness and mercy of my Heavenly Father have followed me during the past year. No calamity has visited me or mine. Mental chastisement has been withheld by Infinite Benevolence, and the new year finds me, Mrs. Foot, our children, and family in life and health. Our little Euphemia has had an attack of scarlet-fever at Geneva this winter, but it was not very severe, and she has nearly recovered her usual health. My business, as usual, has been prosperous. I look to the Giver of all things for a continuance of prosperity, and hope to see myself ere long in a situation which will enable me greatly to increase my charities. My present establishment is too costly, but I do not see how I can judiciously change it.

"My progress in spiritual graces is slow indeed, if at all. Sometimes I feel as if I was retrograding and falling away from the love of my God. The world, its business and pursuits, hold, I fear, a paramount influence over my affections and thoughts. My struggles against worldly-mindedness often appear vain and hopeless. Nothing but the infinite power of my Creator can subdue my obdurate will. Not only the Word of God, but sad experience teaches me this truth. To Him, therefore, and Him alone must I go for a holy spirit, relying alone on the atonement and merits of my dear Redeemer. Blessed Being, take me into thy keeping, renew me in thy image, sanctify my soul, enable me to live a holy and lovely life, to discharge my duties faithfully in this world, and finally permit me to dwell with thee and the redeemed in glory forever. These priceless blessings I ask in the name and for the sake of Jesus Christ, thy Son, my Saviour."

1843.

This year was almost wholly one of professional labor, social and domestic duties. Our older children had reached ages, which required attention to their education and training; while your mother relieved me almost entirely from the care of the younger ones, and in a great degree from attention to the older ones, yet, they were all constantly on my mind, and the education, instruction, and government of the older ones required from me unremitting attention.

On the 12th of February another son was given to us. He was a well-formed, healthy boy—was baptized on the 15th of May and named Robert.

In my diary at the commencement of the year is this entry: "I see no cause for changing my plan for using my time, and shall pursue it the coming year." My time in this, like that in previous years, was mainly occupied by my profession. Social duties, however, as usual, took up a considerable portion of it, but my children this year required and received a larger share than theretofore. I gave some part of each day to them, generally by giving them religious instruction, or aiding them in some form in their Christian and secular education. My general reading was in snatches of time, either in or out of court. My diary shows, that I often took a book to court with me, and read while waiting for causes in which I was employed to be called in their order on the calendar. Notwithstanding all these various calls on my time, I was able to devote some portions of it to duties partaking of a public character.

In January the community was greatly excited against Commander Mackenzie, of the U. S. Navy, for having executed the son of a distinguished citizen of this state, to suppress an apprehended mutiny on board the Somers, a U. S. vessel which he commanded. Being well acquainted with Commander Mackenzie, and believing the excitement against him unjust, I wrote a short article in his vindication, which



was published in the Commercial Advertiser, on the 17th of that month. It is No. 29 of "Papers Written by me."

On the 5th of May, I was elected a manager of "The American Bible Society." I first met with the Board of Managers on the 25th of that month, and made the following entry in my diary :

"Afternoon at a meeting of the Managers of the Bible Society, one of whom I was elected on the 5th inst., in the place of Cornelius Hyer, Esq., deceased. Mr. Hyer was a most excellent and a very intelligent man. He was also an eminent Christian—many years an elder in the Collegiate church, and no man had, in a higher degree, the confidence of his fellow-citizens. He was nearly all his life an officer in the old New York Bank—first as clerk, then cashier, and lastly president. I was appointed one of the committee on legacies, in the place, I was told, of the late Peter A. Jay. The character of Mr. Jay as a scholar, lawyer, gentleman, and Christian, was pre-eminent. Would that I was worthy to be the successor of such men. May God give me grace to approximate to their high example in the discharge of my duties in the great cause of the circulation of the Scriptures."

It being a rule with me never to accept a trust, which I could not perform, and having accepted this one, I attended all the monthly meetings of the managers and all the meetings of the committee on legacies, when in the city.

The cause of colonization continued to receive attention from me this year.

A meeting of the graduates of Union College was held in the city of New York, on the 11th of May. "The object of this meeting was (is) a free conference in regard to the Institution, the best means of advancing its interests, and the expediency of taking some measures to unite the alumni of this vicinity in a permanent association." I was appointed chairman of the meeting, also of a committee to carry into effect the object of it. This matter received my attention during the year, and occupied some of my time.

On the evening of the 17th of May I delivered an address before "The Young Men's Christian Association" of our church. There was a full and attentive audience. I spoke

from brief notes and for thirty-five minutes. This was longer than I generally spoke on such occasions. The Association thanked me for my address by a resolution expressed in warm and complimentary terms.

At a meeting of the bar of the city of New York, held on the 20th of December, to honor the memory of Smith Thompson, deceased, an Associate Justice of the Supreme Court of the United States, I was appointed one of a committee of three to attend his funeral at Poughkeepsie, on the 24th of that month, and attended accordingly.

This eminent man had lived a life of great distinction and usefulness. He was Chief Justice of the Supreme Court of this state when my brother died, and to him I was mainly indebted for my admission *ex gratia* to the bar as a counsellor-at-law, which I have previously mentioned. He was several years Secretary of the Navy under President Monroe's administration, and in 1823 appointed an Associate Justice of the Supreme Court of the United States. This high office he held till his death. He was a learned and upright judge, esteemed and respected by all. I received many evidences of his friendship from the time of my admission to the bar till his death. He was very kind and of great service to me on my first visit to Washington, as I have already mentioned in my account of that visit. We were neighbors in the city of New York for a couple of years—our families as well as ourselves were on the most friendly footing.

The most agreeable and satisfactory evidence which I ever received of the estimation in which I was held by the bar and the community, was given after the death of Judge Thompson. There seemed to be a general, indeed, almost universal expression in favor of my appointment as his successor. As early as the 28th of December, only four days after his interment, an article appeared in "The New York American," then a leading journal of the city, advocating my appointment.\* Several gentlemen, unsolicited, wrote to the President,

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\* SUCCESSOR TO JUDGE THOMPSON.—We are pleased to see that no little attention is given to the selection of a competent individual to

recommending my appointment. Among them was the truly Honorable Theodore Frelinghuysen. He was then my neighbor, and a member of the same church with me. We met at the Sunday school. He informed me that he had written

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occupy the seat so ably filled by the distinguished Judge, whose death is a national calamity. If the fitness of the various persons named for this high station is candidly discussed, and the appointing power shall seek for just and true information, little apprehension need be entertained, that the vacant place will not be well filled.

It seems to be conceded, that the state of New York will be honored (as she should be) by having the new Judge taken from the members of her bar. The bar of no state in the Union can present more distinguished ornaments of the profession; and justice and propriety alike demand, that on this occasion, they should not be overlooked. There are many in this state, in all respects eminently qualified; by long and laborious practice of the profession, high and varied learning, honorable and noble struggles at the bar, and integrity and virtue tried as by the refiner's fire, to adorn this high station and add new trophies to the judicial fame of the state of New York. Many most worthy of this exalted station, and possessing these requisites, have been named; and among them, our fellow-citizen, Samuel A. Foot, Esquire. A reference to the reports of the various courts of this state, will show, that for the last twenty-five years, he has been constantly engaged in the trial and argument of the most important causes which have been passed upon by our judicial tribunals.

Called in early life, without friends or patronage, to contend with the master-spirits of the bar of this state, he manfully cast himself into the arena, and has successfully and nobly won his way to the highest rank in the profession.

Mr. Foot commenced his professional career at Albany, where he resided until the year 1828, when he removed to this city, and has since been engaged here in an extensive practice, and in causes of the first magnitude. He is a sound and well-read lawyer, possessing a quick, clear mind, discerning at the instant the points of a cause, and of most industrious and laborious habits.

In the argument of causes he is most thorough in his preparation, and oftentimes most able and eloquent, as all testified who heard his powerful arguments in the Supreme Court and Court of Errors during the last year, in the great case of the Corporation of this city.

Mr. Foot was educated in the Republican school, though never a zealous or noisy partisan, and for the last few years has taken no active part in political affairs.

strongly to the President in favor of my appointment. I mention this in my diary and say, "I feel grateful to my Heavenly Father that He has so ordered all things in regard to me, that so pure and wise a man as Mr. Frelinghuysen should think me worthy of so exalted a station." The bar of the city did not express their wishes on the subject till the month of February following. Their action will consequently be stated in my account of the year 1844.

My professional engagements took me occasionally this year from the city. I was at Albany from the 18th to the 28th of October, attending the Court for the Correction of Errors. The argument of one of my causes being postponed on account of the sickness of my associate, I improved the opportunity to go to Rochester and argue a cause in the Supreme Court. On the 8th and 9th of November, a litigated probate of a will took and detained me at White Plains. From the 14th to the 26th of November I was engaged at Albany in the argument of causes in the Court for the Correction of Errors, and again from the 5th to the 9th of December in arguing causes in the Court of Chancery and the Supreme Court.\*

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For strict and high integrity, and estimable private character, it is but justice to say, that none excel him.

We feel assured, that if the judicial mantle should fall on his shoulders, it would be worn with a high sense of the responsibilities it imposes, and suffer no stain while in his keeping.

\* Among other causes, which I tried this year, after my summer's vacation, and before going to Albany on the 18th of October, was one for the Messrs. Harper & Brothers, during which an incident occurred, illustrative of the ready talent of the late Henry J. Raymond. The Harpers had been unwarily, by the recommendation of a friend, drawn into a contract with the author of a book called *Dolores*, to publish it for him. Before publishing it, however, they handed it over to Mr. Raymond, who was then a reader for them, to examine. He condemned it as immoral. The Harpers consequently refused to publish it. The author found another publisher, and sued the Harpers for a breach of their contract. I defended them, on the ground of the immorality of the book, and the consequent unlawfulness of its publication, and called Mr. Raymond as a witness for them. He pointed out several objectionable passages and added, that the book was also full of transcendentalism. Mr. Daniel Lord and

My recreation this year was mainly at Geneva. Your mother and I left New York for that place on the 1st of August. We took with us three of the children, Euphemia, Alfred, and Robert. The other three, John, Samuel, and Mary, went there in June with their uncle and aunt Clark. I remained in Geneva till the 11th of September, and your mother and the children till the 1st of October. My time at Geneva was spent almost wholly in physical recreation, viz., riding, fishing, sailing, superintending and assisting in building a couple of piers at the margin of the lake on your uncle Clark's lot. I built the north one at my own expense, and made a present of it to your uncle. The building of these piers occupied nearly three weeks of my time. I read but little, though spent a good deal of time in social intercourse. My evenings were generally thus employed. I attended to some professional business, but did not employ in it altogether more than two days of my time. Besides the time passed at Geneva, your mother and I spent a few days in May at Springfield, in a visit to your grandmother and aunt Eliza—a few days early in July at Sommerville, N. J., in a visit to your mother's cousin, Mr. Richard Duyckinck, and his daughter, Mrs. I. R. Cornell, and her husband, who were staying with Mr. Duyckinck—again several days in the latter part of that month at Springfield to visit your grandmother and aunt before we went to Geneva, and during the last days of September I took a ride to Utica, to meet your mother and the children on their return to the city.

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David Graham, jr., were on the other side. Mr. Graham cross-examined Mr. Raymond, and among other questions asked him to state to the court and jury, what transcendentalism was. Mr. Raymond was not prepared for this question, and it took him quite aback. The blood rushed to his face, and for an instant, I thought he was floored, but he rallied in a few seconds and answered, that "transcendentalism was everything that was bad and that had no particular name." This quite turned the tables in his favor, and brought an approving smile from court, bar, and jury.

N. B.—This note was written in 1870, after Mr. Raymond's decease.

I took but little exercise this year in the city, beyond walking to and from my office when the weather would permit.

Your mother and I this year seriously and often considered the question, whether we should remain in the city with the large number of children we had, and attempt to rear them there, or purchase a place in the country. We finally concluded to go into the country. Our first intention was to locate in the vicinity of the city, and so near to it, that I could go to town daily and attend to my profession. With that view we looked at a great many places which were offered for sale, and inquired carefully into the advantages of such a location for a large family like ours. We finally concluded, as stated in my diary of the 20th of December, "Mrs. Foot and I are satisfied that it will not do for us to buy a country residence with a view to a future occupancy of it ourselves, away from churches, schools, and stores—that if we buy at all, it must be near some town or village."

Some extracts from my diary will give a correct view of my efforts and frequent failures to live a holy and truly Christian life; also of the progress, if any, which I made in Christian graces and preparation to meet my God.

January 23d, Monday.—"Spent my Sabbath yesterday far better than I have generally done. I was not drowsy in the evening as I often am, but spent it in reading and conversing with Mrs. Foot. Many vain and worldly thoughts crowded upon my mind while in church; still, not so many as often do, and I was able to enjoy the services, and I hope profit by them. I heard my boys read considerably during the day. Called myself to a strict examination in regard to my anxiety respecting property, and resolved to be less anxious on that subject."

February 27th, Monday. Several of our children and one of our nurses had the scarlet-fever; our cook, too, was ill from overwork.—"The hand of our Heavenly Father is upon us in chastisement. May our hearts be improved by His dispensations. O God, watch over us for our good, and preserve us! Let all thy dealings with us be sanctified to our souls, and prepare us for thy presence."

March 7th, Tuesday.—“Our sick nurse died this morning. She was a conscientious, pious girl, a member of the Irish Presbyterian church. She died happily. I pray God that He will sanctify this dispensation to me and the members of my family.”

March 20th, Monday.—“I have much to regret and something to rejoice at in respect to the manner of spending my Sabbath yesterday. The sacrament of the Lord’s supper was administered, and I enjoyed the service, and had a realizing sense of the privilege of thus remembering the dying love of my dear Redeemer. I attended church in the afternoon and gave as good attention as usual to the services, and, perhaps, rather better. But during the day, and especially during a part of the general exercises of the morning, I was harassed with idle and vain thoughts. Oh, the deceitfulness of my heart! Would that my soul was filled with the self-denying humility of a true Christian spirit. I spent the morning before church, the intermission, and evening quite as well as usual—read considerable and conversed with Mrs. Foot and the children on topics suitable to the day.”

March 29th, Wednesday.—“Why should I be anxious about the things of this world? I should not. It is an impeachment of my Heavenly Father’s goodness to be discontented amid the many mercies which I enjoy. Gracious God forgive me, for my Saviour’s sake.”

June 19th, Monday.—“Yesterday was a delightful day to me. The sacrament of the Lord’s supper was administered in our church. Mrs. Foot was with me, and the exercises were highly edifying. Notwithstanding my desire to keep my mind wholly engaged in the exercises of the day, and notwithstanding those services were deeply interesting and refreshing to my soul, still worldly topics and thoughts unsuited to the day beset and distressed me. Oh how far I am from the stature of a perfect man in Christ!”

July 4th, Tuesday.—“This is the anniversary of our national independence. \* \* \* I feel grateful to my Heavenly Father for the blessings He has conferred on the nation the past year, and entreat His aid in discharging my duty as a Christian patriot.”

July 16th, Sunday. After our visit to Somerville, N. J., and giving a full account of it and of the persons we met.—“I desire here to record my gratitude to my Heavenly Father for His care

over me and mine during my absence, and for the enjoyments He has permitted me to receive in my intercourse with our friends, and in viewing the displays of His wisdom and goodness in the works of His creation."

September 12th, Tuesday. In giving my account of the time passed at Geneva.—"My morning and evening devotions have been steadily attended to—the former with Mrs. Foot and our children in our room, and the latter with Mrs. Foot in the same place. I have also regularly attended church on the Sabbath, and occasionally other religious exercises, but have not read my Bible as often as I ought. My reading in it has been almost wholly on the Sabbath, and occasionally mornings with John and Samuel before or after prayers. My shortcomings in duty are many, and the atonement of my Redeemer can alone save me. God, I thank thee for thy many mercies, and pray thee to pardon my sins, for Christ's sake."

September 13th, Wednesday.—"The time in my life has arrived when I must use glasses, at least, to some extent. This warns me that I am turning towards its close, and shows me the value of what remains. When I review that which is past, and see how barren it is of good or usefulness to my fellow-men, to what it might have been, I feel, indeed, humble and guilty before my Heavenly Father. Gracious God, pardon my misspent time, for Jesus' sake."

September 25th, Monday.—"Spent my Sabbath yesterday better than usual. Attended church three times, heard three excellent discourses, and was able to give my thoughts and feelings to the services during nearly the whole of them. My time out of church (being home alone), was occupied in reading and reflections suitable to the day, with the exception of some portion of it during which my thoughts were engaged on worldly topics."

October 1st, Sunday. The day after your mother and the children reached home from Geneva.—"My family have all been greatly benefited by their summer residence. They have enjoyed good health. The children have grown finely. The three eldest, who have been to school, have improved in knowledge. In fine, all which I could reasonably ask or desire in regard to my family has been granted by a kind and overruling Providence. O Lord, teach me thy ways and enable me to walk in them. May my heart



be filled with thankfulness for thy many mercies, and my soul brought into subjection to thy holy will."

December 14th, Thursday.—"This day has been set apart by the Governor of this state as a day of thanksgiving and prayer. During the past year God has continued to bless me with abundance. My professional business in the main has been good, and promises to be as productive as in former years. We have had all things that we need to render life happy and useful. No serious sickness has assailed any of our family, except one domestic, and she died a happy death. Our children had the scarlet-fever lightly, and another one has been given to us—a healthy and promising boy. Our religious privileges have been great, and I trust and hope, Mrs. Foot and myself are more devoted Christians than we were a year ago. We are greatly blessed in our children. They are rapidly improving in all respects. Those who attend school are making rapid progress in their education, and none of them exhibit vicious dispositions. God of mercies, take them into thy holy keeping, fit them for usefulness in this life and happiness in heaven; this I ask for my and their Redeemer's sake."

December 15th, Friday.—"This day is Mrs. Foot's birthday. She is thirty-five years of age. I thank my Heavenly Father for sparing her life, and continuing to her the enjoyment of health and the use of all her faculties of mind and body, whereby she is able to discharge her numerous and responsible duties. O God, take her into thy holy keeping, preserve her from danger, enable her to continue to be, as she hitherto has been, a blessing to me and our dear children. This I ask for my Redeemer's sake."

December 17th, Sunday.—"This is my birthday. I am fifty-three years old, almost an old man, and yet have all the feelings of young manhood. My health has been good the past year. God has been good to me, in giving me an excellent constitution and a vigorous frame of body. He has also preserved me from danger so effectually, that I have never had a limb broken, or received any other bodily injury. Goodness and mercy have indeed followed me all the days of my life. During the past year, I have suffered no serious affliction in my own person or family, with the exception of the death of a domestic before mentioned. Peace and order have prevailed in my house, and prosperity attended me in my business. My spiritual privileges have been great, and I hope my

soul is better prepared to meet my God than on my last birthday. I have, in pursuance of a resolution then taken, devoted more time than formerly to the good of my fellow-men. I have endeavored to discharge my duty as a manager of the Bible society and of the Colonization society, and otherwise endeavored to advance Christ's kingdom on the earth; but it seems as if I had done almost nothing, and that I am indeed an unprofitable servant. But for the infinite love and mercy of my God and Saviour, I should certainly become a cast-away. My contributions to charitable objects are still smaller than I could wish, but the increase of my family necessarily limits them. If I purchase a place in the country for my family in the summer, which I think it my duty to do, my intention is, not to let the debt, if any, which I may contract for that purpose, interfere to any great extent with other duties. O God, thou knowest my heart and how deceitful it is; so order, I entreat thee, that my soul may be brought into subjection to thy holy will, my affections purified and elevated, my thoughts sanctified and directed to useful ends, and my whole man renewed in the image and fitted for thy presence. These things I ask in the name and for the sake of Jesus Christ my Saviour."

December 24th, Sunday. The day after my return from Poughkeepsie, and after an account of my attendance at the funeral of Judge Thompson, I say:—"My name has been suggested by several of the public journals as a suitable one for successor to Judge Thompson; but there is no probability of my receiving the appointment. My views of political duty are not favorable to my promotion to any official station. God, in His dealings with me, seems to mark out a private station for me; but He holds the hearts of all under His control, and He may put it into the heart of the President of the United States to nominate me. In any event, and in all His providences, I hope I may be able to say in sincerity, Thy will, O God, be done!"

1844.

This year was in some respects different from other years of my life. Although my profession demanded most of my

time, yet it was not as exacting as usual. My engagements were equally important, but not as numerous. I had, moreover, by this time of life, acquired so large a fund of professional knowledge, that preparation even for important causes required less labor than formerly. I had consequently more time for reading, and did read more than in several previous years.

Social duties this year occupied not only their full share of my time, but even required a greater portion of it than usual. The active part I took in the Presidential contest led to the forming of many new acquaintances, and considerably extended my social relations.

As mentioned in my account of last year, the members of the bar of the city of New York, with only two or three exceptions, who had committed themselves early for other candidates, but who approved of my appointment, signed and presented to the President, a request for my appointment, as the successor of Judge Thompson. The unanimity of this request, and the high character of those who made it, rendered it peculiarly gratifying to my feelings. A copy of it will be found among my old papers.

The vacancy caused by the death of Judge Thompson was not filled till January, 1845, when Judge Nelson, then Chief Justice of the Supreme Court of our state, was appointed as his successor.

The Whigs, having a majority in the Senate, kept the place open, in the expectation of electing a President in December, 1844, who would nominate a member of their party; and the general understanding was, that I should receive the nomination.

This personal bearing of the Presidential contest, my sincere friendship for Mr. Frelinghuysen and high estimate of his character, induced me to take early and active measures for his nomination as Vice-President, at the convention held at Baltimore in May of this year, and to labor earnestly for the success of the Whig candidates. I spent considerable time in the months of March and April—wrote many letters, and con-

ferred with many gentlemen to effect Mr. Frelinghuysen's nomination. There was no diversity of opinion in regard to the candidate for the Presidency. Public sentiment clearly designated Henry Clay of Kentucky for that position. His nomination was unopposed. Mr. Frelinghuysen's nomination was also made with great unanimity.

Arrangements were made by the Whigs of Somerset County, N. J., to hold a mass meeting at Millstone, the birth-place of Mr. Frelinghuysen, on Wednesday, the 7th of August. The committee of arrangements invited me as early as the 16th of July to address the meeting, but being at Utica attending a term of the Supreme Court, the invitation did not reach me till the 22d of that month, when I accepted it. A notice of the meeting and a copy of my letter accepting the invitation to address it, were published in the Newark Daily Advertiser on the 25th of July.\*

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\* THE MASS MEETING AT MILLSTONE.

The Whigs of old Somerset have resolved to hold a mass meeting at Millstone, on Wednesday, the 7th of August next, at 1 o'clock P.M. And they cordially invite their fellow-citizens from every part of the County, to meet them in council at the birth-place of their Frelinghuysen. The ladies are particularly invited to attend. Ample accommodations will be provided for them.

Millstone is the birth-place of New Jersey's favorite son—our own Frelinghuysen, and we look for a full gathering of the Whigs of the neighborhood on this occasion. Our friends in this County will, we trust, send a full delegation. Among the eminent private citizens who are expected to be present we notice the name of Samuel A. Foot, Esq., who, it will be seen by the subjoined, consents to leave for the time his professional pursuits for the purpose of contributing his aid to the cause which demands the hearty support of every patriot:

UTICA, July 23d, 1844.

THOS. A. HARTWELL, Esq., Chairman, &c.

SIR:—I had the honor of receiving at this place, where I am attending our Supreme Court, your letter of the 16th inst., addressed to me at New York, inviting me "to meet and address the Whigs of Somerset at Millstone on the 7th of August."

I have not addressed political assemblies for some years past, and when invited have declined. But the importance of the issues involved

I prepared an address with care, and wrote it out in full. An immense meeting was held on the day designated, before which I delivered it from brief notes. This address was well received. It was published entire by several public journals, and a very large edition of it was published by the committee and circulated as a campaign document. It is No. 30 of "Papers Written by me." There were many complimentary notices of it in the public journals. I have annexed to it two—one from the Newark Daily Advertiser, and the other from the New York Commercial Advertiser.

While at Geneva in August, I addressed a large public meeting in favor of the Whig ticket. It was well received.\*

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in the approaching Presidential election, the obligation and duty of the country to reward Mr. Clay with its highest honor for a life of patriotic services, the circumstance that Millstone, the place of your meeting, is the birth-place of Mr. Frelinghuysen, our candidate for the Vice-Presidency, and the deep interest which his life, character, and present position awaken, have induced me on this occasion to depart from my usual course and accept your invitation.

Life and health permitting, I will meet and address the Whigs of Somerset, at the time and place designated.

Respectfully, your obedient servant,

SAM'L A. FOOT.

\* MR. FOOT'S ADDRESS.

The address of the Hon. Samuel A. Foot to the Republicans of this place, on Friday evening, was a most chaste, forcible, and effective effort. His opening statement as to the great issues between the two parties, and their respective positions, was full of truth and power; while his examination of the Texas question was eminently logical, eloquent, and appropriate. We have seldom listened to remarks characterized by more sound judgment and convincing reasoning, or conveying a larger amount of useful information, or delivered with more persuasive power, than the speech of Mr. F. It was, in our judgment, not the least of its merits, that it entirely avoided everything in the shape of personality and abuse. The most captious of our opponents could surely find nothing to censure in the manner and temper of the address, while its facts and reasonings commended themselves most irresistibly to the judgments and consciences of all men, of whatever creed in politics. We would that the example of Mr. F., not only in his thorough acquaintance with his sub-

The Whig candidates were defeated, mainly by an injudicious letter from Mr. Clay to a friend in Alabama, called his "Alabama Letter," written a few weeks before the election, in which he favored the annexation of Texas. This letter lost the state of New York to the Whigs, and with it the election.

I was greatly disturbed and quite unhappy for some days at the loss of the election. But now (1869) when I look back and review the results of the defeat of the Whigs, viz., the annexation of Texas and the great events following and consequent upon it, I cannot but see, that an infinitely gracious and omniscient God ordered all for the good and greatness of this favored nation. For myself personally the defeat was a great blessing. For if the Whigs had succeeded, and I had been appointed a Judge of the Supreme Court of the United States, I should have been compelled to resign, or live four-fifths of the time away from your mother and our children, and in straightened circumstances, as the salary would have been entirely inadequate to the wants of our large family.

Some extracts from my diary will show how the defeat of the Whigs affected me, and the direction it gave to my thoughts and feelings :

November 3d, Sunday.—"The news last evening from Pennsylvania was not as favorable to the Whigs as anticipated, and I felt depressed in spirits. But this was wrong, very wrong. My Heavenly Father overrules all things according to His sovereign will, and I ought to submit with cheerfulness and be satisfied, and with His blessing will endeavor to hereafter."

November 4th, Monday.—"I endeavored during the day (the day previous, it being the Sabbath) to school myself into submission to my Heavenly Father's will in respect to the present contest

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ject, and his acute and profound analysis, but more especially in temper and moderation, and in a studious avoidance of everything in the shape of personal vindictiveness and party abuse, might be more extensively followed by the speakers of both parties. Much good we are convinced would ensue.

for President of the United States, if the Whigs are unsuccessful, as I fear they may be. Gracious God, help me to yield to all thy orderings, and be content with them."

November 9th, Saturday.—"My thoughts and feelings have been deeply interested in the late election for President and Vice-President. The defeat of the Whigs in this state, and their probable defeat through the country, greatly afflicts me. The only source of consolation is the certainty that a righteous, just, and infinitely-wise God reigns in heaven and on earth. To His will I ought to submit, and entreat Him to give me a spirit of true submission."

November 17th, Sunday.—"With God's blessing, I will endeavor during the rest of my life, not to be over-anxious about the honors, possessions, or enjoyments of this life, but try to live as a self-denying Christian should. I have been unduly anxious about the result of the late Presidential election."

December 9th, Monday. After an account of the day previous, it being the Sabbath.—"With God's blessing, and under what appears to me a clear indication of His will, I have resolved never to seek worldly distinction, but leave it to follow a faithful discharge of duty, and if it comes to me at all, to use it for the good of others."

December 12th, Thursday. Thanksgiving day.—"During the past year I have had some expectation of receiving the appointment of Judge of the Supreme Court of the United States, to supply the place of Mr. Justice Thompson, who died about a year since, but the defeat of the Whig candidates for President and Vice-President has disappointed that expectation. I have now no hope of ever being called into public service. My Heavenly Father, who directs all things in heaven and on earth, has seen fit to place me in a private station, and continue me there. He does all things for the best, and I entreat Him to give me a submissive spirit, and enable me to discharge faithfully the duties of the position which I occupy."

There was an animated public discussion last year and this, in regard to an International Copyright. Your uncle, John Campbell, wrote and published a strong pamphlet on the subject, and I wrote a short notice of it, which was pub-

lished in the New York Commercial Advertiser in January of this year. It is No. 31 of "Papers Written by me."

The cause of colonization continued this year to engage my attention and occupy a small portion of my time. I presided at a meeting of the Board of Managers of the New York Colonization Society, on the 13th of May, convened to hear an account of the colony from President Roberts, and made a short address. An account of the meeting and of the part I took at it was published in the New York Commercial Advertiser of the 14th of that month.

My duties as a manager of the Bible Society were faithfully performed this year ; also as a member of the committee to promote the interests of Union College.

While at Geneva in August this year, I received from Geneva College a diploma as Doctor of Laws. This degree was conferred on me in 1834, but by some accident was not known to me till ten years afterwards.

The children were scattered this summer. John went to Watertown, Conn., in June, and remained there with our relatives till the forepart of September. Samuel, Euphemia, and Mary went to Geneva with their uncle and aunt Clark in the latter part of May. Samuel and Mary staid there till September, and Euphemia till the middle of November. Alfred and Robert went to Springfield, N. J., early in July, and remained there till the middle of September.

Our fifth son, Lawrence, was born on the 7th of July, and baptized on the 7th of October. Your mother passed the month of August and the forepart of September with your grandmother at Springfield. The three youngest children were with her.

The children this year received increased attention from me. Beside the attention given to them at unstaid times as the occasion required, or opportunity offered, I heard each one every morning repeat a verse from the Bible, who was able to read and learn it, and on every Sunday evening at twilight I told them a story illustrative of some religious and moral



truth. After the story, Mrs. Foot usually sang several hymns before the children went to bed.

I commenced about this year (though I find no entry of its commencement in my diary), an exercise on the Sabbath with my children, which consisted in calling them together after the afternoon service, and inquiring of them and desiring them to tell me what they remembered of the sermon, forenoon and afternoon—always commending and sometimes rewarding correct and full recitals of portions of the sermons. This exercise was continued till the year 1865, and was confined to the children who were old enough to attend church, but not sufficiently advanced in age and knowledge, to feel and realize the importance of strict attention to the services.

My health this year was generally good, though in January and again in May, I had an ill turn, caused by the inaction of my liver, and showing me that the cause of my former severe illness was not wholly removed.

My exercise in the city this year was little, if any, beyond walking to and from my office when the weather would permit. My recreation was also somewhat restricted. In January I passed four days with my boys, John and Samuel, at Springfield, N. J., mainly in skating on your grandmother's pond. In April I spent three days at West Point, on a visit to my nephew, Prof. Davies, and his family, and the first ten days in August at Springfield and Weston, N. J.; but they were scarcely days of recreation, for a large portion of the time was given to preparation for the speech, which I delivered on the 7th of that month at Millstone. On the 12th of August, I went to Geneva, and remained there till the 4th of September. This time was given wholly to recreation, mainly riding, fishing, and visiting. I read a little. On my return from Geneva, I passed a couple of days at Springfield with your mother and the children with her, and then went to Watertown, Conn., for John. I passed a few days there. Samuel was with me. The boys and I came back to the city on the 11th of September. This completed my year's recreation.

My profession took me from the city a few times this year.

I was at Albany five days in February—at Utica ten days in July—at Rochester six days in October, and at Albany eight days in November.

Some extracts from my diary will show my religious state during the year :

January 14th, Sunday.—“My thoughts are still occupied to some extent with the succession to Judge Thompson. There is a fascination in office which captivates the undisciplined heart, and which I find it difficult to resist, though my judgment teaches me that neither my temporal or spiritual welfare would be promoted by receiving the appointment of Associate Justice of the Supreme Court of the United States. But should God in His providence call me to that station, I shall endeavor to discharge its duties as a Christian magistrate ought. It is cause of thankfulness and gratitude to my Heavenly Father, that many of my fellow-citizens, and, as I understand, a large majority of them, including the members of the bar, desire my appointment. When I look back on my life, it is obvious that an unseen hand, directed by the purest benevolence and wisdom, has guided me through the whole of it. Let me ever praise His holy name.”

February 12th, Monday.—“Spent my Sabbath yesterday better than any one of my life, as I now recollect. I attended church three times, and was able to give my almost undivided attention through all the services. My devotions, too, were fervent. I read in the morning, and during the intermission after dinner. I thank thee, Heavenly Father, for the precious privileges of thy holy day, and the holy joy it afforded me.”

March 18th, Monday.—“Spent my Sabbath yesterday as usual. \* \* \* The sacrament of the Lord's supper was administered, and it was truly refreshing to my spirit. May God in His mercy carry me forward in my preparation for death and His presence. Spent the twilight as usual, and told the children a prairie story illustrative of the importance of keeping the Sabbath.”

June 2d, Sunday.—“A little occurrence happened in court yesterday which gave me far too much uneasiness. It was a mere remark of the Chief Justice, hardly worth a second thought, and yet it occupied my mind for hours. This shows me how really worldly-minded I am, and how little I look to God and Him

alone. O Holy Being, enable me to put a right estimate upon the world and all things in it, and to place my trust in thee. Help me to look to thee for consolation in this life and joy in the life to come."

June 17th, Monday. After an account of the previous Sabbath.—"The sacrament of the Lord's supper was administered in the forenoon, and was truly grateful to my soul. O God, help me to live as becomes a professed follower of the blessed Saviour. The spiritual privileges I enjoy are without price, and severe indeed will be my condemnation, unless I avail myself of them for the salvation of my soul."

July 1st, Monday.—"This day is the anniversary of Mrs. Foot's and my wedding. We have lived happily together ten years. God has blessed us in all our ways. His goodness and mercy have followed us continually. Oh may my heart melt in holy love and gratitude, and my soul delight in His service. Take me and my companion into thy keeping, blessed Father; fit us for the duties of this life and the joys of heaven."

July 4th, Thursday.—"This is the anniversary of our national existence. I and mine have enjoyed another year the protection which the constitution and laws of the country afford, and that protection has been complete. Neither my rights of person or property have been invaded. The blessings of an efficient government have been bestowed upon me. When I look back to the first settlement of the country, trace the progress of the nation from that time to the present, the hand of a kind Providence is visible in every step. He is indeed the Giver of every good and perfect gift. In Him the nation, as well as every individual, lives and moves and has its being. Heavenly Father, I thank thee for the many favors and blessings which I have hitherto and still am daily receiving from thee."

July 7th, Sunday. The day of the birth of our fifth son, whom we named Lawrence.—"Our fifth son was born this morning. He is fully grown, healthy, perfect in body, and appears to have all his faculties. My prayers in this respect have been answered by my Heavenly Father, and to Him I commit this little immortal, and entreat that his life may be spared, his health preserved, his faculties developed, and his soul saved. Gracious God, I dedicate him to thee. Oh make him thine own in Jesus!"

September 4th, Friday. The day of my return home from Geneva.—“On reaching my dwelling in safety, and thus assembling again a part of my family, I feel grateful to my Heavenly Father for His care over me and mine, and desire here to acknowledge and record my deep sense of His merciful kindness.”

December 31st, Tuesday.—“The above closes my record of the past year. Goodness and mercy have followed us through the whole of it. \* \* \* Our children have grown in mind and body, and are reasonably promising. They have sustained no serious injury. The arm of their Heavenly Father has been around and defended them. One has been added to their number. Mrs. Foot and I thus far are greatly blessed in our children. Oh may we be enabled by God’s grace to bring them up in His fear and to His glory.”

### 1843.

My time this year was apportioned and employed in general like that of the previous year. My profession, though occupying most of my time, was not so exacting as to prevent me from having time to read and for social duties. The cause of colonization received some attention from me this year, but the subject which most engaged my attention, outside of my profession, was the Bible Society. After becoming acquainted with the affairs of the Society, and the manner in which its business and operations were conducted, I became satisfied that a more perfect system for conducting them was necessary to secure economy and promptness, especially in view of its increasing income and operations. Accordingly, on the 15th of May, when the Board of Managers met to organize for the year, I offered the following resolution :

“Resolved, That in view of the increasing business of this Society, a committee of three be appointed to inquire whether any alterations are necessary, or any improvements can be made in the arrangement and conducting of the same ; and whether any and what regulations ought to be made in conducting the business

of printing in the new mode undertaken by this Society, and report thereon to this Board."

It was adopted and a committee appointed, of which I was chairman. We examined carefully and fully into the affairs of the Society and the manner of conducting its business and operations. The labor of this examination was mainly performed by me.

The committee made a report in part at the meeting of the Board of Managers in July, in the form of resolutions, which they presented for adoption. They were drawn by me. The Board approved and passed them.

The committee found that the regulations, which had been adopted from time to time by the Board, were entirely inadequate to the extended operations of the Society, and undertook the difficult and laborious duty of framing a body of by-laws adequate to the varied and extended business and operations of the Society, and to that duty I devoted myself during the summer. When the committee met in the autumn, I was able to present a body of by-laws for their consideration. There were thirty-seven of them. Their preparation required time, labor, and thought. After a careful revision by the committee, they were reported to the Board of Managers at their regular monthly meeting on the first Thursday in November, and at an adjourned meeting in the latter part of that month, carefully examined, fully discussed, amended and adopted with great unanimity. At the regular meeting of the Board on the first Thursday in December, the committee were discharged, and a resolution of thanks for their services unanimously passed.

The large amount of time, labor, and thought bestowed on the preliminary examination into the affairs, business, and operations of the Society, on the draft of the by-laws, and an active part in discussing and perfecting them, was bestowed under a sense of duty devolved upon me by accepting the position of a manager of the Society.

Subsequent events showed the necessity and importance of the examinations and by-laws.

The only other duty discharged this year, outside of my profession, worth mentioning, was the delivery of an address on the death of the Hon. John Cotton Smith, President of the Bible Society, before the Board of Managers, at a special meeting held on the 16th of December, called to notice his death. I say in my diary, "The object of this address was mainly to induce a more general attendance of the managers at their monthly meetings, especially of the clergymen." It was noticed in the public journals, but not published. This accorded with my wishes, as it was not suitable for publication.

Our children were again scattered this summer. Euphemia, Mary, and Robert went to Geneva the last of April with their uncle and aunt Clark. Samuel C. to Springfield, N. J., on the 3d of July, to pass the summer with his grandmother and aunt Eliza, and on the 4th, John, Alfred, and Lawrence, with their mother, to Geneva. All the children at Geneva, except Euphemia, returned with their mother to the city on the 4th of September. Euphemia came back late in the fall with her uncle and aunt. Your mother, and the children who came from Geneva with her, after passing a day in the city went over to Springfield to pass the month of September with your grandmother and aunt Eliza.

While there, our dear little Robert, who was a bright, healthy, promising boy, was drowned on the 9th of September, in his grandmother's gold-fish pond—a small circular pond, about 18 inches deep, a short distance from and in front of the house. The sad event is thus recorded in my diary :

"On learning the particulars of his death, the hand of my Heavenly Father seemed to have been directly employed in taking him from this world of sorrow. The little fellow was not absent from the nursery beyond two or three minutes before he was missed, and in a minute more was found floating in the gold-fish pond with his face downward and his arms extended. But life was extinct. Every effort was made to restore animation, but in vain. The Lord had called him home, and I trust my soul can say, "Blessed is His holy name." \* \* \* The funeral was at 10½

o'clock A.M. of the 11th of September. The officiating clergyman performed the services appropriately. The funeral was very solemn, the day was pleasant, the country still, and the whole scene impressive. The ceremonies had meaning in them, and I could not but think it was "better to go to the house of mourning than to the house of feasting." The remains of our dear child were buried in the plot of ground set apart in the Springfield cemetery for the family of Mr. Campbell. This is the first time Mrs. Foot and I have been afflicted seriously since our marriage. God in His mercy has spared us until now; and even now, I feel that He has chastened us in love. He has taken only one of the dear immortals He has given us, when He has a right to take all. He gave, and He can take away. Oh for the right spirit to profit by this dispensation! God be merciful to me, a sinner—fill my soul with humility under this mark of thy displeasure. I know thy judgments are just, and full of love and mercy. Thou dost chasten those whom thou lovest. Oh draw me nearer to thee—detach my affections from the world—enable me to give up all for Christ—make me one of thy children in Jesus. Oh may I meet my little one in thy mansions of rest in heaven. I ask all for Christ's sake."

Your mother exhibited so much true womanly and motherly character on this distressing occasion, that I must leave a short account of it for her children.

As soon as Robert was found, she took charge of him, and with entire presence of mind, clear judgment, and extraordinary energy, applied every means which the most skillful surgeon could have adopted to restore life. But when all had failed, and it was evident life was extinct, her feelings overpowered her and she had to be assisted to her bed.

When your mother and the children with her had finished their visit to Springfield, I went over for them. They returned with me to the city on the 26th of September.

On the 13th of October another son was given us—a healthy, well-formed boy. He was baptized on the 12th of December. We called him Robert Ebenezer, after his little brother Robert, who was drowned in September, and my brother Ebenezer, who died in 1814.

As our children advanced, they received increased attention from me, especially in religious instruction. They were sent to good schools, and I paid no other attention to their secular education, than to see that they were faithfully instructed and made fair progress. But their religious education was obtained mainly at home from their mother and me. We sent them regularly to the Sabbath-school, but regarded that as merely auxiliary to our own instruction.

Samuel C. had musical talent and taste. He began in June of this year to sing with his mother at the family concerts on Sunday evenings. On the first Sunday morning in October your mother and I commenced, as stated in my diary, "making a requisition on our children to contribute to foreign missions." John and Samuel C. went with me to monthly concert on the following Monday evening, and put the money in the plate. This practice we uniformly followed till the children were old enough to act for themselves.

My health was not good for the last half of this year. In my diary of the 1st of July is this entry: "I have had more pain in my side for some time past than usual, and I must be more abstemious;" and the next day, "I was not well yesterday, nor have I been for some time past." On the 9th of September I mention my having consulted our family physician respecting my health, and that "My tongue and mouth had been sore for the last five or six weeks, and some part of the time to such a degree as to affect materially my taste. During all this time, I have had to be watchful over my diet, and have not been able to eat freely." My liver was torpid and my illness continued throughout the year. In the latter part of September I commenced taking a cold bath early in the morning, with brisk and thorough rubbing of my person with a coarse napkin, and after that, riding on horseback upon a trotting horse for three-quarters of an hour, during which I usually rode from four to six miles. The weather seldom prevented my ride; nothing but a severe storm kept me from it. In addition to this morning exercise, I improved every opportunity for walking during the day, and followed a severe



regimen in my diet. I lived almost entirely on beef tea and tapioca. By perseverance in this treatment of myself I was able to retain sufficient health to attend to my professional duties.

My recreation this year was desultory, though in the whole considerable. I spent four days in the latter part of January at Springfield, N. J., on a visit to Mrs. Campbell. Your mother, John, and Samuel C. were with me. The boys and I skated and engaged in other winter sports. On the 28th of May, your mother and I, in company with my nephew, Prof. Charles Davies, and his daughter Elizabeth, went to Boston, Mass. The Professor and myself partly on business and partly for pleasure. The Professor had a cause pending there in the United States Circuit Court, before Judge Story, and I went on to argue it. But as my preparation was made before leaving home, no labor was required at Boston, except to deliver my argument. We remained in Boston till the 4th of June. Only a small part of my time was occupied in court. The rest of it was passed in visiting, receiving visits, and riding in the environs of Boston. The Professor and I both had friends in Boston. We were kindly received, and marked attention was paid to us and our ladies. A full account of this visit, and of the friends we met, will be found in my diary.

On the 4th of July I went up to Albany with your mother and the children on their way to Geneva, and passed a couple of days there visiting relatives and friends. On the 9th I went over to Springfield, N. J., and passed a couple of days with Mrs. Campbell, Eliza, and my son, Samuel C., and on the 13th went to Weston, N. J., to visit Mr. and Mrs. Isaac R. Cornell, and passed four days with them.

While attending court at Utica, I went to Geneva and passed the 20th of July, being the Sabbath, and returned to Utica on Monday; and on the 24th of that month, having finished my business at Utica, I went to Geneva and remained there till the 27th of August, with the exception of one day spent at Rochester in professional business early in August. I

came again to Geneva from Rochester on the 2d of September, passed the day there, and left the next day for the city with your mother and the children. My time at Geneva was spent as it usually was when there for recreation, in walking, riding, fishing, rowing and sailing on the lake, hunting, social intercourse, and reading. I wrote some this year, mainly in preparing by-laws for the Bible Society. During the month of September I made several short visits to Springfield, and at Robert's death was there several days. Again in the latter part of December your mother and I spent a week there. I went for rest and recreation. This visit completed my recreation for the year.

My professional engagements took me from the city several times this year—as already mentioned, to Boston, Mass., in the latter part of May; to Utica, in July, to attend the Supreme Court, where I was detained several days; to Rochester, early in August, to attend the Court for the Correction of Errors, and again in the latter part of that month. On this last occasion I was engaged there several days. I went again to Boston, Mass., on the 17th of September, and was detained there several days; again on the 2d of October, and again on the 11th of November, when I was occupied there till the 16th of that month. On the 24th of November engagements in the Court for the Correction of Errors took me to Albany, and detained me there till the 3d of December.

Some extracts from my diary will show my spiritual state, and progress, if any, this year in holiness of mind and heart:

January 2d, Thursday. Being an account of the previous day. —“There was an interchange of family presents in the morning, which made the commencement of the day delightful. Gracious God, thy goodness and mercy appear to follow me and mine continually. Oh help me to live in sweet submission to thy holy will. May the year now commenced be spent by me as becomes a dying and accountable sinner. May I feel more deeply than I have hitherto done my responsibilities, but especially may I experience and enjoy a more ready yielding to thy providences in regard to

myself than heretofore. Help me to be contented with my lot in this life, and to renounce the honors and distinctions of this world."

February 24th, Monday.—"Spent my Sabbath as usual yesterday, but I hope with a slight improvement. It appears to me, that my interest in the services was deeper than it generally is. \* \* \* The fault of the day was too much secular conversation in my family."\*

March 10th, Monday.—"Spent my Sabbath yesterday as usual, though I hope with more than ordinary benefit to my soul. The Lord's supper was administered, and all the exercises of the morning were delightful and refreshing. \* \* \* Would that all my religious exercises and duties were as full of holy unction as those of yesterday forenoon! and yet they were far below the standard of the Bible. I am, indeed, after all my best efforts, a guilty sinner before an infinitely holy God. Oh for His grace to overcome the world in my heart!"

September 5th. On our arrival home from Geneva—"A kind Providence has watched over us in all our movements. Goodness and mercy have constantly followed us. I have been uniform in my morning and evening devotions during my absence from home, and have had our children present in the morning when with them. I have generally read in the Bible every day, sometimes more, sometimes less, but not as constantly and extensively as I ought. Whenever a review of the manner in which I

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\* As the entry in my diary in regard to the manner of spending the Sabbath has been for some time past, and will be hereafter, "*as usual*," I will here state my usual mode of spending the day:—Morning—After dressing in my room, private devotions, writing my diary, and family devotions in my library—family devotions consisting of reading a psalm from the Bible, each one reading a verse in turn, and a prayer by me. Forenoon—Hearing the children recite from the Catechism, and explaining it to them, and attending church. Afternoon—Attending church, calling the younger children together to tell me what they remembered of the sermons, reading appropriate to the day, as opportunity offered, and always a chapter in Scott's Bible with his Notes and Practical Observations, unless they were too long for one day's reading, and if so, then only a part. At twilight telling the children an instructive story. Evening—A family concert of sacred music, conducted by Mrs. Foot.

discharge my duties becomes necessary and is made, my delinquencies become manifest, and I feel how far, how very far, I am from the true Christian standard of the Bible. After my best efforts to serve and honor my Heavenly Father, I see that I am nothing, less than nothing spiritually, and that my trust must be alone in the merits and atonement of my Redeemer. Blessed Saviour, have mercy on me; may thy intercession be effectual for my salvation."

November 17th, Monday. After an account of my health, which was then much worse than it had been.—"If it be my Heavenly Father's will, I hope He will restore me to health; if it is not, my prayer is to be ready and willing to yield a ready acquiescence in His dispensations."

### 1846.

This year was in its general features like the previous one. My profession occupied most of my time. Social duties and reading nearly all the residue. Outside of these "The American Bible Society again engaged a large share of my attention, and during the months of February, March, and April took up a good deal of my time."

A strong effort was made to overthrow and repeal the by-laws which had been adopted the year before, as I have already mentioned. They were found to be in the way of some individuals who were deriving a large pecuniary benefit from the business and operations of the Society. At a meeting of the Board of Managers in March, a motion prevailed to refer the whole body of by-laws to a special committee of eight, under an avowal by the mover that the Society did not need a full body of by-laws, and only wanted a few simple regulations. I was on the committee, and fearing this unsound and dangerous sentiment might prevail, and not having time, nor opportunity to confer with my co-managers and acquaint them with the facts and reasons which convinced me, that the by-laws already adopted ought to be upheld and enforced, I wrote a pamphlet of twenty-eight octavo pages—

*“Showing (as I said in the first paragraph) the great losses sustained by the Society for the last eight or ten years, through the defective mode of arranging and conducting its business—also showing the necessity and importance of a full body of by-laws, prescribing the duties of the officers of the Society, and establishing an orderly, accurate, systematic, and accountable mode of conducting its business—also showing the great necessity and importance of a committee on printing and binding, whose sole duty shall be to take charge of the manufacturing and mechanical operations of the Society—and also showing the necessity and importance of separating the duties of assistant treasurer from those of the general agent and recording secretary, and appointing a competent person assistant treasurer, who shall give the usual bond, with sureties, faithfully to discharge his duties, and truly to account for all money he receives.”*

I had this pamphlet printed, and copies handed to the members of the special committee and to a number of my co-managers of the Society. It excited great interest, but effected the object intended. The special committee reported back the by-laws without any material alteration, and upon a report drawn by me, recommended their adoption. After full debate they were adopted by the Board of Managers. They proved of great service to the Society, and led, early in the following year, to the detection of a misapplication of the funds of the Society by one of its principal employees, who was the efficient actor in the effort to overthrow and repeal them.

In the forepart of the month of May this year, at the request of my kinsmen in Connecticut, who were collecting materials for the “Foote Genealogy,” published in 1849, I wrote a biographical notice of my deceased brother, Ebenezer. It will be found in the book mentioned, at page 313. As this brother, however, stood in unusually interesting relations to me in my youth and early manhood, I have concluded to insert and preserve this biographical notice among the “Papers Written by me.” It is No. 32 of those papers.

Not approving of the constitution presented this year to

the people for adoption, I wrote a short article, briefly stating my objections to it. It was published in the Commercial Advertiser of the 14th of October, and is No. 33 of "Papers Written by me."

Experience has shown that my objections were well founded, especially the one against an elective judiciary.

The new constitution was adopted early in November. It abolished the old "Court for the Correction of Errors," and established in its place the "Court of Appeals." The last cause, which I argued in the old court, was heard on the 24th of November, near the close of its last session. On completing my argument, I delivered a brief eulogistic valedictory. It was well received, very generally published in the papers of this state, and attracted a good deal of attention. It was written before delivered, and is No. 34 of "Papers Written by me."

The cause of colonization received some attention from me. On making my annual contribution, I was appointed a manager for life of "The Colonization Society of the State of New York." My appointment is dated the 9th of November, 1846.

My children continued to receive increased attention from me this year. In addition to their religious instruction, and attention to their secular education, I spent considerable time talking, walking, and playing with them, especially with my two oldest boys. I played drafts frequently in the evening with John, and occasionally with Samuel C. Our children were scattered again this summer. Euphemia and Mary went to Geneva early in May with their uncle and aunt Clark, to pass the summer with them. Near the end of June, Samuel C. went to Springfield, to pass July and August with his grandmother and aunt Eliza. On the 1st of July, John, Alfred, Lawrence, and Robert E. went to Geneva with their mother and me. We all remained there till the 7th of September, when we returned to the city, except Euphemia. She did not come home till the last of November, when her uncle and aunt Clark came to the city to pass the winter with us, as they had for several years before.

My health was not good during nearly the whole of this year. But by taking a cold bath early in the morning, and rubbing myself briskly eight or ten minutes—riding on horse-back five or six miles before breakfast, and strict attention to my diet, I was able to keep myself generally in condition to attend to my professional and other duties ; occasionally, however, I was confined for a few days to my house. By persevering in this treatment of myself, my health improved in the latter part of the year, and to such an extent that on the last day of the year I wrote in my diary as follows : “For one thing especially should my heart glow with intense gratitude to my Heavenly Father, and that is, my improved health. He has answered my prayers in this respect, and I now ordinarily enjoy good health. This is the greatest of earthly blessings, and may the conferring of it lead me to love and adore continually and fervently Him who granted it.”

My recreation this year consisted of a visit of a couple of days near the close of April at Springfield, as I say in my diary “To see Mrs. Campbell and Eliza, and breathe the country air”—of a visit there again the last of June of a day and a half—of rest from labor at Geneva during July, August, and the first week in September—of a visit at Springfield of a couple of days near the end of September, and of the two last days but one of the year. On this last occasion I took my three eldest boys with me, to give them as well as myself a skate on their grandmother’s pond.

While at Geneva, Mr. Clark and I took a trip with his carriage and horses of some six or eight days into the counties of Yates and Steuben. My son, John, was with us. We rode leisurely, fished occasionally for trout, called on some of my friends and acquaintances, and returned down our lake, having taken passage at Watkins for ourselves, carriage, and horses.

My professional engagements took me from the city only a few times this year. I spent ten days at Albany in January, five days in September, and twelve days in November.

While at Geneva I commenced negotiations for the pur-

chase of the house and land there, which we called, after we obtained them, *Mullrose*.<sup>\*</sup> After my return to the city and on the 23d of September, the negotiations terminated in a contract of purchase. I say in my diary of that day, "It is a pretty establishment, and intended by me and Mrs. Foot as a retreat for ourselves by and by, as well as a quiet and pleasant home for our children." The deed for the property was delivered to me on my birthday, the 17th of December. The entry in my diary is in these words: "I received my deed and consummated my purchase of the place at Geneva, the destined future home of myself and family. It is a singular coincidence that it was completed on my birthday."

I have frequently mentioned in my diary among the temporal blessings for which our gratitude was due to our Heavenly Father, the faithful services of domestics in our employ. We were always highly favored in this respect, and under God were indebted for this great domestic comfort, to the remarkable tact, judgment, good sense, and right feelings, which your mother always displayed in her intercourse with her household.

This year Mary McMullen died. She lived in our family as cook nearly ten years. I wrote of her in my diary, and most truly, thus: "She was an eminent Christian, and discharged all her duties faithfully. She is doubtless a saint in heaven."

Some extracts from my diary will show the state of my religious feelings this year, and my progress, if any, in holiness:

January 1st, Thursday.—"I begin this year under a resolution, formed in the presence of my God, and to keep which I ask His blessing, to live nearer to Him this year than I have ever done before, and also to be more deliberate and considerate in my intercourse with my family and fellow-men."

January 12th, Monday.—"Spent my Sabbath yesterday as usual. My interest in the exercises in church was equal to what it

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\* Mrs. Foot gave our place this name, and I approved and assented.



generally is, and I hope somewhat greater. With God's blessing, I hope to enjoy more and more His precious Sabbaths, and delight more and more in the duties of them."

January 25th, Sunday.—It is a source of great thankfulness that prosperity attends me. I am not rapidly accumulating a fortune, nor do I wish to, but my profession yields me a full supply of all my wants, and enables me gradually to add to my property. God is indeed merciful to me. He supplies all my wants. May my soul rejoice in Him and His salvation."

April 17th, Friday.—"Last evening attended a meeting of a committee, and of the Board of Managers of the American Bible society. A new and revised edition of the by-laws of that society, drawn by me, were adopted by the committee, and afterwards by the Board of Managers. I thank my Heavenly Father for carrying me safely through this difficult, and at times unhappy matter, and for making me the instrument of giving the society a good body of by-laws."

Monday, May 4th.—"Spent my Sabbath yesterday as usual. My Sabbaths are becoming more delightful to me—at least, so it appears to me. When the day comes I rejoice, and all its duties are agreeable to me. Would that I could or did perform them better than I do."

June 29th, Monday.—"Attended prayer-meeting last evening, and at the request of one of the consistory conducted the services. This is the first time I have performed such a duty, and hope it was acceptable to my Heavenly Father, and beneficial to the hearers."

June 30th, Tuesday. . On leaving home with Mrs. Foot and the children for Geneva.—"I rejoice and am thankful that a kind Providence enables me to go myself and take my family to so healthy and agreeable a place as Geneva during the warm season. His goodness and mercy continually follow me, unworthy as I am of His favors. Oh may I live hereafter more in accordance with His will than I have heretofore! His grace alone can enable me to. Heavenly Father, give me grace to live as thy child in Jesus, and prepare me for thy holy presence. I ask it, and all things, in the name and for the sake of thy Son, my Redeemer."

November 27th, Friday.—"Yesterday was Thanksgiving day. I endeavored to realize the true spirit with which the day should

be kept, and to feel truly grateful for the many blessings which have been bestowed on me and mine during the past year."

December 15th, Tuesday.—"To-day Mrs. Foot is thirty-eight years of age, and the return of her birthday, accompanied by the possession of full health, fills me with thankfulness to my Heavenly Father for sparing her life, and permitting me and our children to enjoy the happiness and benefits of a faithful, intelligent, and educated wife and mother."

December 17th, Thursday.—"This is my birthday. I am fifty-six years old. Another year has been added to my life, and I am one year nearer the judgment of my God. Oh, what a solemn scene that will be! To see my Heavenly Father face to face, and know Him as I am now known. Blessed Saviour, thou only canst sustain me in that trying hour. I have infinite cause of thankfulness for being permitted to see this day in the enjoyment of health. A year since my health was poor, and my constitution seemed to be giving way; but now, thanks to a kind Providence, I am in the enjoyment of good health, though still feeling the necessity of outdoor exercise, moderation in business, and caution in diet. May my soul glow with holy love and gratitude for the many blessings which are constantly bestowed on me and mine."

December 31st, Thursday.—"These lines close the record of another year of my life. Still I am obliged to say, how barren of good deeds! how far short in the discharge of duty! how far below the standard of a Christian life! and yet I hope that my walk is somewhat more closely with my God than at the commencement of the year."

## 1847.

Most of my time this year was occupied very differently from that of any previous year.

Your mother and I, after full consideration, determined to change our residence from New York to Geneva. The principal reasons for the change were—*first*, to relieve me from the pressure of my profession, and thus restore me to full health, and *second*, to give our children room and opportunity for

physical, moral, and intellectual development. Having at the very beginning of the year formed this determination, I proceeded promptly to carry it into execution. I sold my house in the city on the 13th of January, or rather exchanged it with my nephew, Thomas A. Davies, for a store in Beekman Street.\* On the 19th of that month, I left the city for Geneva, to make arrangements for alterations and additions to our house there, and for changing the location of the out-houses and erecting additional ones. My time was almost entirely occupied in that duty till the 10th of February, when I left Geneva for the city. On the 30th of March I went again to Geneva, and was engaged there till the 22d of April in superintending the work on my dwelling-house and out-houses, the trimming and manuring of my fruit and forest trees, the removing and erecting of fences, purchasing horses, wagons—in short, in procuring and arranging everything required to render my garden and small farm productive, and our residence convenient and pleasant. I returned to the city on the 22d of April.

On the 9th of April, and while I was at Geneva, your mother went over to Springfield to remain with her mother and sister through the spring. She took two of the children with her, Euphemia and Robert Ebenezer. A few days subsequently, and on the 18th of that month, a well-formed, healthy son was given us, whom we afterwards named Thomas.

On the 12th of May I left the city and our former residence there for Geneva, and took with me our four eldest boys. Your aunt Euphemia was ill, and she and Mr. Clark could not accompany me as had been intended. Your aunt Wilbur kindly took their place and came with me.

I spent the summer, with the exception of only one week, and the autumn till the 26th of October, at Geneva, and

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\* It was thought at the time by many of our friends, that I had made an unfortunate bargain; but the result (1869) has shown that it was a fortunate one.

almost the whole of that time was occupied in preparing Mullrose for the reception of my family and establishing them there. In the month of June, at the earnest request of a client in the city, I went to Detroit, Mich., on professional business, and was gone one week. This prevented me from going to Springfield for your mother and the children with her. Your uncle Lawrence kindly took my place and went for them. They arrived at Geneva on the 23d of June. We were thus all together once more, but not yet in our own house. John and Samuel C. began sleeping at Mullrose on the arrival of your mother and the children with her, and I slept there for the first time on Saturday night the 14th of August. On Monday following we removed from your uncle's at Mile Point to Mullrose, and dined there. That was our first meal in our new home.

This change of our residence has proved a most fortunate and happy one, as the subsequent history of the family will show.

Before proceeding to give an account of my life at Mullrose, I will go back to the beginning of the year, and bring up my narrative to the time I commenced my residence there.

On New Year evening, we gave a family party with a few friends added. My account of it in my diary is as follows: "They assembled at about 8 o'clock. We had supper at 10, and our friends left at about 11½ o'clock. We had a charming evening. Our entertainment was without wine of any kind. This is the first time we have adopted that course. Its absence was not missed—at least, appeared not to be."

My time in the city before removing to Geneva was passed in general as it had been in previous years; my profession requiring most of it, social duties, reading, and attention to my children nearly all the rest. I had to give some time to arrangements for changing my residence; they, however, required but a very small portion of it. I attended regularly the meetings of the Board of Managers of the Bible Society. Of the meeting held on Thursday the 7th of January, I made the following entry in my diary: "Afternoon attended a

meeting of the Board of Managers of the American Bible Society. Had an interesting meeting. The last of the measures of reform, introduced last year by the committee of which I was chairman, was carried into effect, greatly to my gratification." On the 5th of May I declined a re-election as manager, because unable to discharge the duties of the trust by reason of my removal from the city.

While at Geneva in the winter and spring, I visited a good deal in the evenings ; my friends being very attentive and kind. When there in the winter, I lodged with my friends, Mr. and Mrs. William N. Clark.

My mother-in-law, Mrs. Samuel Campbell, died suddenly at Springfield, N. J., on the 30th of July. We were all deeply afflicted, and especially your mother, by this unexpected bereavement. Your grandmother was an intelligent, well-educated, and accomplished old lady. She was a kind, affectionate, and faithful wife and mother, and to her many virtues added the priceless ornament of a Christian character and spirit.

After we occupied Mullrose, and it became our residence, there was considerable work to be done to put the place in order. This required my attention and took up my time till early in October. The mechanics and workmen were not discharged till the 4th of that month. After they were gone I resumed my reading and professional studies, and continued them until I went to the city on the 26th of October. I lodged in the city with my nephew in my former residence, and was detained there till the 26th of November, engaged in settling the estates of my father and mother-in-law, and attending to individual and professional business—mainly the latter. After my return from the city, reading, professional studies, social duties, and attention to the children occupied my time.

Your mother and I united with the Reformed church in Geneva, on Sunday, the 5th of December, on certificates from the Collegiate Reformed church in New York. Our son Thomas had previously, and on the 3d of September, been

baptized by the Rev. Dr. Abeel, the pastor of the Reformed church at Geneva.

These changes of residence and ecclesiastical relations did not occur without frequent communion with my God in thanks, prayer, and praise.

My religious exercises, thoughts, feelings, and duties will appear by extracts from my diary :

January 2d, Saturday. After an account of the previous day. —“Thus the first day of the new year was passed. I had many delightful seasons, or rather moments of sweet and close communion, with my Heavenly Father. I am resolved to live nearer to Him, and pray for grace to do so. Oh, give me thy Spirit, holy Being, and endue me plentifully with heavenly graces. I ask it for my dear Redeemer's sake.”

January 4th, Monday. After stating the manner of spending the day before.—“It gives me real joy to be able to say, that the Sabbath was better spent than usual. I was less carried away by worldly thoughts than ordinarily, though still far, very far, below the standard of Christian duty. With God's blessing, I hope to pass my Sabbaths more and more in accordance with His will, until I enter upon the heavenly Sabbath that shall have no end and no alloy.”

February 13th, Saturday. After my return from Geneva.—“While at Geneva my devotions in general appeared to me to be purer, and more earnest than heretofore—my God and Saviour more near and dear to me—my communion with them more close and holy. Gracious God, accept my deep and sincere thanks for preserving me and my family during my absence, and permitting me to join them in health and peace. Bless, I entreat thee, our contemplated change of residence, and fit me and mine for thy holy presence.”

March 15th, Monday.—“Spent my Sabbath yesterday as usual, but I think I can say better than I generally do. The sacrament of the Lord's supper was administered, and greatly enjoyed by me. It is the last occasion of that kind which will occur while Mrs. Foot and I are residents of New York. She could not be with me. Her health would not permit it. My soul was refreshed, enlarged, and brought near to my God and Saviour. O God, may

the influence of this communion remain with me for life, and may I live nearer and nearer to thee, as I approach the grave. Communion with my Heavenly Father becomes, as I believe, more and more delightful to me, and gives me an assurance, which I hope is not fallacious, of some growth in grace. O Lord, make me thine own in Christ. Sanctify me, and forgive me my sins for His sake."

May 3d, Monday.—"Spent my Sabbath yesterday as usual, but thanks to my Heavenly Father, whose Spirit leadeth me in all right ways in which I go, the day was spent better than any Sabbath within my recollection. I read more, held more frequent and close communion with my God, paid better attention, had fewer worldly thoughts, and less secular conversation. But in the evening had more secular conversation than I ought, and although I tried, I could not lead and keep conversation on topics peculiar to the day. After all, I fell far short of the true standard of Christian duty."

May 12th, Wednesday. The day I left my former residence in New York for Geneva.—"Before leaving this residence, I desire to record my deep, solemn, and earnest thanks to my Heavenly Father, for His many, very many, mercies and favors bestowed on me while I have occupied it, my great unworthiness of the least of them, and my sincere and earnest prayer that He will watch over me and mine on our contemplated journey, be with us in our new residence, and continue to grant unto us, and to me, a guilty sinner, His mercies and favors, and especially to give me a clean heart and renew within me a right spirit. Gracious God, I commit myself and mine to thy holy keeping. Forgive my many and heinous sins, and accept of me, for Christ's sake."

August 14th, Saturday Evening. The night of that day being first time I slept at Mullrose.—"My first duty, and I rejoice to be able to say, the first impulse of my heart, is to thank my Heavenly Father for this delightful residence, for preserving me and mine since we left our former dwelling in New York, for giving Mrs. Foot, myself, and our children the blessing of health during all this period, and bringing all things together for my good. I pray that He will protect me and mine during the night, that I may rest in peace and awake in health. I ask these and all things in the name and for the sake of my blessed Saviour, Jesus Christ."

August 17th, Tuesday. The day following the removal of my family to Mullrose, and after an account of that removal.—“I thank my Heavenly Father for permitting me to assemble my family again in my own dwelling. We had family prayers at 8½ o'clock P.M. The whole family was present. I resumed yesterday my reading in Scott's Bible, and am most thankful to be able to do so.”

August 18th, Wednesday.—“Yesterday morning I may say as usual. Had my private devotions, wrote my diary, heard my eldest sons repeat their verses in the Bible, had family devotions, and read in Scott's Bible a chapter and part of the notes to it.”

While I mention in this entry in my diary that I heard my eldest boys repeat their verses, I should mention, that as my children, daughters and sons, advanced so as to be able to learn verses in the Bible, they learned and repeated them to me in the morning, and to their mother when I was absent, and until they respectively reached fifteen years of age—and as soon as my sons were old enough to learn and repeat the Lord's prayer, one of them opened in turn our morning devotions by repeating that prayer. This was followed by an extemporaneous prayer from me if I was present, and if absent, by a prayer from their mother, who used a form when she conducted the family devotions, which she always did in my absence.

Thursday, September 23d.—I find by an entry in my diary under this date, that I determined to add to my morning duties, the spending of some time each morning, when the weather would permit, in superintending and assisting in the feeding of the animals on my place, and giving directions for the work of the day. This duty I have generally performed from that time to the present (1869).

December 6th, Monday.—“Spent my Sabbath yesterday as usual. The sacrament of the Lord's supper was administered. At this communion Mrs. Foot and I united with the Reformed church of this village on certificate from the Collegiate Reformed church of New York. One of our family, a nurse, at the same time united with the church on confession.”



December 17th, Friday.—“This is my birthday. The Lord has spared me for another year, and during it a great change has been made in my domestic arrangements, which has been already recorded in my diary. My health has been very good during the greater part of the year, and general prosperity has attended me. The goodness and mercy of my God follow me continually, and my soul ought to glow constantly with holy love and gratitude. But I am still far from Him. The trifles of the world occupy far too many of my thoughts and affections. The attention which a change of residence has obliged me to give to domestic matters has more than usually led me into secular thoughts. Since my arrangements are now made, I hope to live nearer to my God. Oh may I be prepared to meet my Saviour on His throne of judgment. Heavenly Father, fill me with thy Spirit, sanctify my soul, and fit me for heaven. I ask all for Christ's sake and in His name.”

January 1st, 1848, Saturday. Containing an account of the previous day.—“Thus another year of my life has been spent. How full the record of it is of my deficiencies. O God, have mercy on me, and forgive me my sins, for Christ's sake. Help me to live hereafter more in accordance with thy holy will.”

## 1848.

Nearly ten months of this year were passed at Geneva; the rest of it, at the East, mainly at Albany and New York. My profession occupied only a small portion of my time while at Geneva. The principal part of it, indeed almost the whole of it, was consumed in social duties and enjoyments—reading, riding with your mother, our children and relatives, and in domestic matters. By these I mean providing for my family, and improving and cultivating Mullrose. Our children also required and received a portion, though comparatively a small portion, of my time. I often assisted my two oldest boys in their Latin lessons. In April and May we planted 227 trees. They were mostly forest trees and evergreens. We also planted a considerable number of ornamental shrubs.

On the 4th of July I made the following entry in my

diary : "My place being now mainly in order, and in a condition to cultivate, it is my intention hereafter to be more regular in my hours of study and reading, and more attentive to the education of my children."

This year your uncle Lawrence and I built the boat-house, which we used in common while he resided in Geneva, and of which I am now (1869) the sole owner. My beautiful Whitehall boat, which we all used and enjoyed so much for 19 years, arrived from New York on the 30th of July.

George was born on the 17th of July, and baptized on the 1st of September.

I delivered only one public address this year. That was a speech at a political meeting, held at the village of Phelps, then called Vienna, on the afternoon of the 31st of August. The object of it was to advance the Whig cause, and promote the election of General Taylor as President of the United States. It was not written out, and I have preserved only brief heads of it. My notice of it in my diary is in these words : "I made a plain practical speech to a body of intelligent and practical farmers."

My absences this year from Geneva on professional business were the following : From the 15th of March to the 6th of April at New York, and again from the 21st to the 28th May—from the 5th to the 24th of September at Albany and New York—from the 2d to the 20th of October at Newburg, New York, and Albany, and from the 10th to the 14th of December at Penn Yan. On each of these occasions I was engaged in the argument or trial of important causes, and when not occupied in court spent most of my time in social intercourse.

I will now give some account of my religious reading, exercise, and spiritual condition and progress during the year, and mainly in extracts from my diary :

August 26, Saturday.—"Yesterday morning as usual, and completed the reading of Scott's Bible. I began this work several years since, and it has been my daily and morning reading since that time. I have read all Scott's Notes and Observations in connection with the text. My course has been to read the chapter

through, and then the verses in connection with each note, or rather upon which the note was made. I trust this course of reading has been blessed to me, though on looking back I find much to grieve me and sorrow over. My thoughts have often wandered away on to secular subjects, when they should have been intent upon the topics concerning which I was reading. Often listlessness and indifference prevailed, when anxiety and earnestness should have characterized my reading. Many times inadequate reasons have induced me to omit my reading for the day—in short, the whole duty of reading God's Word with the Notes and Observations of this most pious and learned man has been imperfectly performed. Heavenly Father, forgive these shortcomings of duty for Christ's sake, and if consistent with thy holy will, may the course of reading just completed prove profitable to my soul."

August 27th, Sunday.—"Yesterday morning as usual, except my customary reading, as I had not yet determined what it should be. As I have read the Bible once through with Notes and Observations, I intend now to read it through without them, and to commence this day. Gracious God, bless the reading of it to the profit of my soul, and if agreeable to thy will, spare my life, that I may accomplish it, and be an instrument in thy hands to promote the good, spiritual and temporal, of my fellow-men."

Monday, August 28th.—"Spent my Sabbath yesterday as usual. \* \* \* Began the reading of the Bible in course, and read the two first chapters."

January 1st, Saturday.—"This year is commenced under most happy auspices. I have every comfort around me that man can reasonably desire. My heart should glow with holy love and gratitude to the Giver of every good and perfect gift; and with His blessing, I hope to live hereafter nearer to Him."

April 17th, Monday.—"Spent my Sabbath yesterday as usual, and better than I did my last one, though far from as well as it ought to have been. Oh, when shall I be able to pass one Sabbath on earth as it ought to be! Never, I fear."

May 7th, Sunday.—"Last evening was delightful, and we passed it on the piazza. There came a shower just after we had finished the work of the week, and just in time for the work done. How

kind is my Heavenly Father in all His dealings with me! Oh that my heart was full of holy affection for Him!"

June 5th, Monday.—"Spent my Sabbath yesterday as usual. The sacrament of the Lord's supper was administered in our church, and I was able to enjoy it. My soul was engaged in the ordinance and refreshed by it. Still there were many things to sorrow for. Oh that I may be renewed in the image of my Heavenly Father, and fitted for His presence!"

July 9th, Sunday.—"Yesterday dismissed all my extra laborers, my place being generally in order. For it I thank the Giver of every good and perfect gift."

July 17th, Monday. The day George was born.—"He is perfect in his form, and appears to have all his faculties. For this I thank my Heavenly Father, and pray that the child may be brought up in His fear and to His glory."

July 28th, Friday. The day my wheat was thrashed.—"I have a large yield of wheat, viz., 123 bushels from 4 acres. All my crops are promising, for which, gracious God, I thank thee, who art the Giver of every good and perfect gift."

August 15th, Tuesday.—"Alfred was considerably hurt yesterday morning, in falling from the butcher's wagon, and in great peril. Gracious God, I thank thee for preserving him from serious injury."

November 23d, Thursday. Thanksgiving day.—"Not only in discharge of a duty owing to my Heavenly Father, but in accordance with a wish which I trust is earnest and warm, I desire to record my deep and solemn thanks to a Bountiful Providence for the great abundance of the good things of this world which He has vouchsafed to me and mine during the past year, and especially for the full health which Mrs. Foot, myself, our children, and family have enjoyed—for a continuance of our spiritual privileges and the priceless blessings thereby conferred. Gracious God, continue to us these blessings, spiritual and temporal, if consistent with thy holy will. I ask it for Christ's sake."

1849.

This year was passed mainly as the previous one was, but differently, however, in several particulars. I spent less time at Geneva. Only about eight months instead of ten were passed there. My profession also occupied a much larger portion of my time, and I took this year two journeys, and spent several weeks in visiting my relatives at Ogdensburg and the East. While at Geneva my time was occupied in professional business and studies, social duties, reading, attention to my children, and domestic matters. In August and September I planned and superintended the building of the conservatory. This took a portion of my time for several weeks. Besides instructing my children, and aiding them in their studies, I spent considerable time with them in amusements, such as hunting, fishing, riding, rowing on the lake, and playing chess, drafts, and backgammon. Quite frequently during the spring, summer, and autumn, and when I felt the want of exercise, I worked half a day in the field or garden.

My professional engagements were of a high grade. I argued a number of important causes in the Court of Appeals. My preparation for these arguments was made in my library at Geneva. Clients, too, at Geneva and in the vicinity, frequently called upon me for advice and opinions in matters of more than ordinary importance.

While away from Geneva I wrote constantly, and nearly, if not quite, as often as every other day to your mother, or some one of the children, and frequently my letters covered two sheets of paper.

Some opportunities were afforded me this year of doing something outside of my profession for the good of others. While at Albany in January attending the Court of Appeals, I became a member of the New York State Agricultural Society, and attended a meeting of that Society, held at the Capitol, on the 18th of that month, and took a part in its proceedings. I offered a resolution, that an application be

made to the Legislature of the state for the publication of a new edition of the "Natural History of the State," to be disposed of at cost to the citizens of the state. The resolution was well received and unanimously adopted. The measure was favorably noticed, and I was complimented in the Albany Express.\*

A public meeting was held at Geneva on the 4th of July, "To consider the subject of the recognition by the Government of the United States of the Republic of Liberia as an independent nation." At the meeting I made a brief address, and offered a series of resolutions, which I had drawn the day before. They were adopted, and are No. 35 of "Papers Written by me." The proceedings of the meeting and the resolutions in full were published in the papers of Geneva, and in the African Repository of October, 1850.

At a meeting of the friends of Temperance held at Geneva on the 24th of August, an association was formed to promote the cause of Temperance, called the "Seneca Temperance League." A constitution and by-laws were adopted. I was elected President of the League, and made an address, which appeared to be well received. The proceedings of the meeting were published, and I was reported to have "eloquently addressed the League" on being conducted to the chair. The League met

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\* From Albany Express of 25th January, 1849:

We notice in the proceedings of the State Agricultural Society of Thursday evening, a motion was made by Samuel A. Foot, Esq., formerly of New York, to petition the Legislature for the publication of a new edition of the "Natural History of the State," *to be disposed of at cost* to our own citizens. The suggestion is a timely one, and will probably meet with a ready concurrence. Mr. Foot, whose name as a lawyer of distinguished reputation is familiar to all, we are happy to see, having retired from the more active business of the profession, is quietly devoting himself to agricultural pursuits, and in the interim of professional employment, occupying his attention with the science of agriculture. Since leaving New York, he resides on his farm at Geneva. As a man of distinguished ability and straightforward, honorable dealing, Mr. F. ranks deservedly high; it is the more gratifying, therefore, to find him active in a business of such general interest to the state.

weekly during the year. I generally attended and presided, and often made a brief address.

On Sunday the 11th of November, I attended the Sunday-school of our church, and undertook the instruction of a class. I say in my diary that "I deemed it my duty to do this, as our pastor had left us." On Christmas day, I addressed the children, and presented some books to the school, which were distributed as rewards to the deserving.

William was born on the 25th of September.

My absences from Geneva on professional business were the following:—From the 9th to the 30th of January at Albany, to attend the Court of Appeals—from the 26th of April to the 1st of June at New York, to attend the same court, which sat at Brooklyn—from the 9th to the 28th of July at Norwich, Chenango County, to attend the same court—and from the 4th to the 18th of October at Buffalo, to attend the same court.

When I went to New York on the 26th of April, I took Samuel C. with me, and while there made a visit of a couple of days to your aunt Eliza at Springfield, and of several days to Mr. and Mrs. Cornell at Weston, N. J. On each of the occasions, when attending the Court of Appeals, I had a good deal of time for reading and social enjoyments, as my preparation for my arguments was made before leaving home; and while at Buffalo, went to the Falls with Judge and Mrs. Cady to see the Suspension Bridge.

Early in February I went to Ogdensburg, to meet and visit my four surviving sisters, who had met there for a family union. We passed several days together and one Sabbath. On that day we all partook of the sacrament of the Lord's supper in the Presbyterian church. This was our last meeting in this world. My sisters have all since died, and I am now (1869) the only survivor. They were earnest Christians, and each one died calmly and happily.

On the 21st of November, I went to the city and took John with me. The object of the journey was mainly to visit our relatives at the East, though I had some individual busi-

ness, in the city, which required my attention. We did not return home till the 15th of December. While absent we made a visit to your aunt Eliza at Springfield, and to Mr. and Mrs. Cornell at Weston, N. J. ; also to my nephew, Hubert Scovill, and his family, at Watertown, Connecticut. We spent several days and ate our Thanksgiving dinner with them. This was on the spot where I was born, and the first Thanksgiving dinner eaten there, according to my best present recollection, since I left it, in 1805. On our return we stopped a couple of days in Albany to visit my nephew, James Edwards, and his family, and other relatives in that city.

An account of my religious duties and exercises, as recorded in my diary, will complete my history for the year 1849 :

February 26th, Monday. After mentioning that I attended church forenoon and afternoon.—“Was able to give better attention than I often do. Read rather more in the course of the day than I generally do. Would that I could withdraw my thoughts from the world, and give them up to my God. Oh could I realize the object of my creation, viz., to glorify God, what a different life (spiritually at least) should I live!”

April 14th, Saturday.—“My house took fire yesterday, and in putting it out my hands were badly burned. My house came near being destroyed. A merciful Providence alone saved it. O God, I render sincere and hearty thanks to thee for sparing my dwelling from the devouring element.”

June 1st, Friday. After my return from New York.—“I thank my Heavenly Father for preserving me and my family during my absence, and permitting us to meet again in health and happiness. Gracious God, take us all into thy kind keeping, and prepare us for the duties of this life, and for thy holy presence after death. I ask it and all things for Christ's sake.”

June 4th, Monday.—“Spent my Sabbath yesterday as usual. The Lord's supper was administered in the forenoon, and I hope to my spiritual profit. It seems as if my progress in spiritual things was very slow, if, indeed, it does not recede. Gracious God be merciful to me, and fill me with thy Spirit.”

September 25th, Tuesday. After mentioning the birth of



William, who was our seventh son in succession and eleventh child, and that he was a healthy and well-formed boy, I add:—"Gracious God, I thank thee for this renewed evidence of thy favor. May this child be spared and brought up in thy fear and to thy glory. Spare and restore the mother to health, and let thy blessing rest upon all the children thou hast given us, and upon us the parents. I ask it for Christ's sake."

December 15th, Saturday.—"This day is Mrs. Foot's birthday. She enters upon her forty-second year. I thank thee, Heavenly Father, for sparing her life, and giving to her improved health. Oh continue thy favor towards her, and bless her, for her dear Redeemer's sake."

December 17th, Monday.—"This is my birthday. I am fifty-nine years of age, and enter upon my sixtieth year. My health is good and my faculties in full action. I feel no approach of age, and am as active in mind and body as at twenty-five. Gracious God! how merciful have been all thy dealings with me from my youth upward! Pardon my numerous sins, and continue thy favor towards me. I ask it for Christ's sake."

The preceding extracts from my diary do not exhibit the earnestness of the efforts of your mother and myself to lead your thoughts and feelings heavenward, nor the fervidness and frequency of our prayers for your conversion, nor the many consultations we held together to promote your spiritual welfare. The only record of these which remains is in our correspondence, and in their fruits as exhibited in the fact, that all our children, save one, now (1869) in life, being ten in number, are professing Christians and members of orthodox churches.

I will give an extract from one of my letters to your mother, written while attending court at Norwich, and dated the 23d of July, 1849:

"I have been reading within a few days past when not engaged in court, the life of the second Mrs. Judson, written by her successor, formerly Miss Chubbuck, a distinguished teacher at Utica, and authoress of many interesting publications under the name of Fanny Forrester. The second Mrs. Judson was Sarah Hall, and

widow of the deceased missionary Boardman, when she married Mr. Judson. She was a lady of great talents and good education, and far more interesting as a female than her predecessor. While reading the life of this lady, I was reminded often, very often, of you, dear Jane. Mrs. Judson excelled as a mother and wife. In these relations of life she was indeed a shining light. Her talents, education, agreeable person, feminine delicacy, retiring manners, domestic disposition, and warm affections were all purified, elevated, and perfected by a piety and devotion almost unexampled. Charming and excellent as is her character, yet in one respect, my dear wife, I think you excel her, and that is, as a mother in the management of your children. Mrs. Judson wanted to do too much. She was not willing to leave the bud to open of itself, and reach naturally its full bloom. She wanted to make it something more than it would become of itself, under judicious culture and watchful care to protect it against deleterious influences. Over-action in the training of children is probably as injudicious as a want of reasonable care. \* \* \* Your hours of devotion are doubtless unchanged. I often think of you and the children when thus employed, and try to join in spirit, though distant in body. \* \* \* What a glorious and beautiful result of our union in this world will be our union in heaven, with a company of immortal spirits brought into being and trained for the presence of God by our instrumentality. How indescribably joyful will be the meeting of parents and children around the judgment-seat, assured of the approving sentence of the Final Judge! and how joyful beyond all conception, the hearing of the sentence, and withdrawing together from His presence to dwell together through eternity in those mansions of rest He has prepared for those who love Him!"

1830.

This year was passed at Geneva with comparatively short absences, the longest not exceeding twelve days. Some of them were on professional business, the others for various objects which will be mentioned in my account of the year. Those on professional business were—ten days at Albany in

the forepart of January, attending the Court of Appeals—seven days at the end of the month at Rochester, hearing a cause as referee—twelve days at New York in May, on various professional duties, and five days at Canandaigua in September, hearing a cause as referee. My time at Geneva was divided between professional business and studies, reading, domestic matters, and social duties and enjoyments, with only two exceptions. Near the close of the previous year, I accepted an invitation from “The Young Men’s Association of Buffalo,” to deliver a lecture in that city on some early day of this year, when convenient for me. I devoted considerable time in January and February to the preparation of this lecture, and on the 26th of February went to Buffalo and delivered it. It was well received, and a copy asked for publication, which I declined. I delivered this lecture again before the young men of Geneva in February, 1853, and read it before “The Geneva Literary Association” in December, 1861. It is No. 36 of “Papers Written by me.” It did some good. A gentleman, who heard it at Buffalo, wrote to me in December, 1851, and asked for a copy of it.\* When re-delivered at Geneva, it was again well received, and favorably noticed in the village papers.†

Early in March Samuel C. was appointed a midshipman in the United States Navy, and directed to appear at Annapolis, Md., on the 1st of April for examination and admission to the Naval Academy. I took him from school and devoted

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\* Extract from the letter referred to:—“I take the liberty, though a stranger, to address you, and ask you to send me a copy of the lecture you delivered before ‘The Young Men’s Association of Buffalo,’ February 26th, 1850, on ‘Method in Business.’ I listened to its delivery with much pleasure, and admired it as a chaste and eloquent production—rich in thought and beautiful in diction. I have often thought of the sound principles it inculcated, and desired a perusal of it.”

† One of the most instructive and beautiful lectures of the season was delivered by Hon. S. A. Foot last Friday evening. The importance of *System* and *Method* in the business of life was the topic. It was practically illustrated by the examples of eminent men in this country, and was full of impressive truths and instructive admonitions.—*Geneva Courier*.

myself to his instruction during nearly the whole of March. We left home for Annapolis on the last day of March. Samuel C. was examined on the 4th of April, passed a good examination, and was admitted to the Academy.

After passing a few days at Annapolis, I went to Washington, and spent ten days very agreeably, having many friends and acquaintances there, who were kind and attentive. On my way home from Washington, I stopped at Annapolis and made Samuel C. a visit of a few hours. Euphemia left home with me and Samuel C. on this occasion, but stopped at New York to visit our relatives there and in New Jersey.

Our Temperance League continued to hold weekly meetings during most of this year. I generally attended and presided. I also continued to teach in the Sabbath-school till the latter part of November, when my own sons being away at school, and the other youth of my class dispersed, I ceased to teach.

William was baptized on the 8th of June.

There being a vacation at the Naval Academy, Samuel C. came home the last of July, and remained with us till the end of September.

To give myself some agreeable recreation, and my two oldest sons an opportunity to see a new and rough country, how deer were hunted and trout caught, I took them during the latter part of August by the way of Corning in this state, to Pine Creek, in the town of Gaines, Tioga County, Pa. My nephew, Thomas A. Davies, accompanied us. We employed some hunters with their hounds to assist us in hunting. The party killed several deer, and I, who spent my time mainly in fishing, caught a good many trout. We were gone ten days, and had a charming time.

Samuel C.'s vacation having expired, I went with him to Annapolis at the close of September. We stopped at New York and spent a few days with our relatives there and in New Jersey. I remained at Annapolis three or four days, which were passed agreeably with Samuel C. and our friends there, of whom we had several interesting ones. My diary contains

their names, and an account of our social intercourse with them. On my return from Annapolis, I passed some days in the city and New Jersey with our relatives. This trip to Annapolis was solely for recreation and social enjoyment.

Early in November I took John to South Williamstown, Mass., and placed him in a private classical school, to enable him to complete his preparation for entering Williams College, where he was to receive his collegiate education.

In December various considerations looking to Samuel C.'s future happiness and usefulness, led your mother and me to think it best to withdraw him from the navy, and with that view, I left home for Annapolis on the 17th of that month. Samuel C. was attached to a seafaring life, and was reluctant to resign his appointment as midshipman in the navy, but yielded to my opinion on my promise, that if, after he had received an education and was older, he still desired to follow the ocean and become a mariner, I would aid him in obtaining a position in the merchant service. After a stay of a few days at Annapolis, during which I went over to Washington and passed a couple of days pleasantly, I returned to Geneva with Samuel C.

This completes the main incidents of the year 1850. My diary and the family correspondence contain a full detail of the occurrences of the year, and of our thoughts and feelings. We were a happy family during the whole year.

Some extracts from my diary will show the state of my religious feelings, my efforts to maintain a Christian walk and conversation, and the little progress, if any, which I made in holiness of life. Before giving these extracts I will mention, that I have so frequently and fully stated already the manner in which I have kept the Sabbath for many years past—my manner of keeping it has been in general so uniform, for not only many years, but has continued to be so up to the present time (January, 1870); and my views of my duty in regard to the manner in which it should be kept so long settled and also so fully stated already, that my children will derive no benefit from my stating again or hereafter the manner in which I have

kept any Sabbath. For this reason I shall not again state how I have spent a Sabbath, unless something extraordinary shall have occurred to prevent me from keeping it as I usually do. I think I may add with truth, that as years have advanced, I have rather improved than fallen back in keeping the Sabbath holy.

January 20th, Sunday. The day after my return from Albany. "Gracious God, I thank thee for preserving me and my family during my absence from home, for permitting me to return to it in peace and happiness, and for all thy merciful dealings with me."

March 31st, Sunday. The day previous to leaving home with Samuel C. for Annapolis, Md.

"Gracious God, thou hast been merciful to me and mine hitherto, and I pray thee to continue the exercise of thy mercy towards us. I commit my child, who is to leave his home, and as is expected permanently, to thy holy keeping. Watch over him, guard him against temptation, fill him with thy Spirit, and adopt him as thine own. I ask it for Christ's sake."

Monday, June 10th.—"The sacrament of the Lord's supper was administered yesterday, and its reception was most grateful to me. Oh may I live after the example my blessed Saviour has left for me and others who desire to follow him!"

July 1st, Monday.—"This is the anniversary of the marriage of Mrs. Foot and myself. We enter to-day on the 17th year of our wedded life. Gracious God, I thank thee for my dear companion and for sparing her life. Wilt thou continue to spare and bless us. I ask it for Christ's sake."

Saturday, August 31st. The day after our return from our hunting and fishing excursion.—"Gracious God, I thank thee for permitting me and my children to reach our home in safety, and meet the other members of my family in health and peace."

November 5th, Tuesday. The day of leaving home with John for South Williamstown.—"Gracious God, I commit this, my first-born, to thy holy keeping. Watch over him, I pray thee, keep him from temptation, deliver him from evil, endue him with a holy spirit, and adopt him as thine own in Jesus. So order that

he may be useful in this life and happy in the life to come. I ask all in the name and for the sake of the blessed Saviour."

December 12th, Thursday.—"This is Thanksgiving day, and I desire, Bountiful Benefactor, to record my thanks for the great abundance of temporal things with which thou hast blessed me during the past year."

December 17th, Tuesday.—"This is my birthday. I am to-day sixty years of age. A kind Providence has highly favored me. My health is good, and my faculties of mind and body unimpaired. I am unconscious of the effect of years upon me. A young and increasing family are growing up around me. O God, if consistent with thy holy will, spare my life, and continue to me the use of my faculties that I may be an instrument in thy hands to train up these children in the way they should go."

### 1851.

This was an eventful year at Mullrose. On the 20th of January I was elected an elder in our church, and after considerable reflection deemed it my duty to accept the office, and was ordained on Sunday the 16th of February. On the 23d of February our twin daughters were born. They were baptized on the 5th of April following. One was named Jane, and the other Eliza Campbell. On the 10th of April I was appointed, by the Governor of this state, a Judge of the Court of Appeals, to supply a vacancy caused by the resignation of Judge Bronson, whose term of office expired at the end of the year. I took the oath of office on the 12th of April, and my seat on the bench on the 14th of that month. This was a high office, given by the appointing power without solicitation from me, and consequently a real honor.

My appointment was approved by both political parties, and I think I may add with truth, was universally approved. Below, in a note, will be found notices of my appointment by some of the leading journals of that day.\*

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\* We understand that the Governor has appointed Samuel A. Foot, Esq., presiding Judge of the Court of Appeals, in the place of Judge Bron-

The Whig Convention held at Syracuse on the 12th of September, nominated me as their candidate for Judge of the

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son, resigned. Mr. Foot, until within the last two or three years, was a resident of this city, and for more than twenty years has been a successful and distinguished member of the New York bar. He partially retired from the practice of law, and removed to Geneva, two or three years since, but has retained connection with an office in the city, and has occasionally argued important cases. He has long been known throughout the state, as well as in the city, as an able and successful lawyer, and has been particularly distinguished for his skill and sagacity in conducting cases arising under commercial law. Probably no appointment could have been more gratifying to the bar, or satisfactory to the people. Mr. Foot will make an able, firm, and impartial Judge.—*N. Y. Commercial Advertiser*, of April 10th, 1851.

Samuel A. Foot, Judge of the Court of Appeals, to fill the vacancy caused by the resignation of Greene C. Bronson.

This appointment was made upon the solicitation of a large number of the members of the bar of the city of New York, and of other portions of the state. The appointee is eminently qualified for the arduous duties of the office, and is a worthy successor of the distinguished jurist whose place he is called upon to fill.—*Albany Evening Journal*, Friday Evening, April 11th, 1851.

The Hon. Samuel A. Foot has been appointed, by Governor Hunt, the successor to Judge Bronson, resigned—a very unexceptionable selection. Mr. Foot is an eminent lawyer and upright man, possessing qualifications and traits of character especially adapting him to discharge the high functions of the station with great ability and approbation. Mr. Foot has been extensively engaged in his profession for over twenty-five years. He removed from Albany to this city in 1828, where he has since practised in the higher courts—having the last two years spent a portion of his time at his seat at Geneva. It is a subject of real congratulation when such a man as Mr. Foot is elevated to the bench. In all his personal habits and dispositions Mr. Foot is admirably adapted for judicial service—diligent and methodical—patient and mild—constant and just—we have the best assurances, that while enlightened justice will be dispensed and the purest judicial rectitude observed, true dignity and conciliatory deportment will also be displayed by the appointee.—*New York Herald*, April 11th, 1851.

Governor Hunt has appointed the Hon. Samuel A. Foot to fill the vacancy occasioned by the resignation of Hon. G. C. Bronson. The selection will ensure general approval. Mr. F. has occupied for twenty-five



Court of Appeals, for the term of eight years from the 1st of January following.

My nomination was well received, and regarded as giving strength to the ticket.\*

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years past a high position at the bar of this state, and has been engaged in the higher walks of the profession.—*N. Y. Evening Express*, Thursday Evening, April 10th, 1851.

We learn by a telegraphic despatch from Albany, that Samuel A. Foot, Esq., of Geneva, formerly of this city, has been appointed presiding Judge of the Court of Appeals, in the place of Judge Bronson. Mr. Foot is a conservative of the right stamp, and will make an excellent Judge. He is about fifty-six years of age, possesses a comfortable fortune, and is well known and much respected in this city, where he gained a high reputation as a sound and successful commercial lawyer.—*N. Y. Evening Mirror*, Thursday Evening, April 10th, 1851.

Samuel A. Foot, Judge of the Court of Appeals, to fill the vacancy caused by the resignation of Greene C. Bronson.

In this appointment the Governor has made a happy selection. All parties concur in a common verdict of satisfaction with the choice. Mr. Foot is a highly respected citizen of Geneva, and his fellow-citizens rejoice in the honor thus conferred upon him.—*Geneva Courier*, April 16th, 1851.

\* The Whig delegates have closed their labors. They have decided wisely and well. The nominees are all good men and true. No better ticket has ever been presented to the electors of the state.

Samuel A. Foot is the present incumbent of the office of Judge of the Court of Appeals. He was appointed by the Governor to fill the vacancy caused by the resignation of Judge Bronson. And he has proved himself fully qualified to discharge, faithfully and intelligently, the responsibilities of his high office. He is the equal, in every way, of his learned and distinguished associates. If, as we hope, the people shall continue him in his present position, he will "magnify his office," and maintain, unimpaired, the high character of the judiciary of the state.—*Albany Evening Journal*, September 12th, 1851.

The Whig State Convention wisely nominated for Judge of Appeals, the Hon. Samuel A. Foot, of Geneva, the present incumbent, who was appointed to the office last winter by Governor Hunt, to fill the seat resigned by Judge Bronson. The eminent fitness of the selection is acknowledged by candid and intelligent men of all parties. His exalted legal attainments, his impartial urbanity, and his able discrimination, render him justly popular with the bar, and give him the highest confidence of

The election was held on the first Tuesday of November following. The Whigs were not successful. My own elec-

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the people. But his forensic reputation is not his only strength. His virtues as a man and a citizen are unblemished, and command for him the highest respect of his neighbors and acquaintances. In his election, the dignity of the highest judicial authority in the state will be sustained, a deserving man will be honored, and through him the state itself.—*Geneva Courier*, Wednesday, September 17th, 1851.

It would be ample evidence of the fitness of Samuel A. Foot, even were his personal and professional qualifications unknown to the Whig party, for the office of Judge of the Court of Appeals, that he is at present the incumbent of that responsible office by appointment of Governor Hunt, in whose sagacity and official integrity the Whig party of this state have wisely learned to place an unbounded confidence. But to many of the sterling Whigs of this state Judge Foot is known as a gentleman admirably qualified for the position which he now occupies, and in the tenure of which we sincerely hope he will be secured by the popular vote. The character of the judiciary will suffer no loss of respect and dignity by his association with it; and inasmuch as it is one of the prominent aims of the Whig party to maintain the purity and elevation that have hitherto attached to that branch of our institutions, the Whigs have a right to expect every man to do his duty to this very eligible candidate.—*N. Y. Commercial Advertiser*, Saturday, September 18th, 1851.

We have already published the excellent ticket nominated by the Whig State Convention. Nominees better qualified personally for the respective offices, better representing the great interests of the state, and better able to harmonize and concentrate every element of strength in the Whig party of this state, could hardly have been designated. The ticket we regard as a work of wisdom, a band of unity, and a pledge of success.

Samuel A. Foot, of Ontario, appointed by Governor Hunt to fill the vacancy in the Court of Appeals, occasioned by the resignation of Judge Bronson, and now renominated for the acceptance of the people, has answered every expectation of his friends, and proved himself fully qualified for the arduous duties of his station. The judicial trusts and dignities reposed in his hands will neither be betrayed nor dishonored.—*N. Y. Courier and Enquirer*.

With regard to the nominees we take equal pride and pleasure in remarking, that they are all able and honorable men, that many of them have heretofore been honored by the possession of responsible offices,

tion, though dependent mainly on the success of the political party who nominated me, was lost through the over-confidence of my friends. It was considered so certain, that no efforts were made to secure it, while covertly, a liberal use of money and great exertions were made to secure the success of my opponent. My defeat was a disappointment, and regarded at the time as a misfortune; but on looking back to it now (January, 1870), it was evidently a blessing. The history of myself and family from that time to the present will clearly show it to be so.

From the beginning of the year to the 10th of April, the time of my appointment as Judge, my time was divided mainly, as in the year before, between professional business and studies, reading, domestic matters, and social duties and enjoyments; but during this period I was absent from the village on professional business several times—once at New York, from the 23d of January to the 8th of February, once at Canandaigua, for a day or two, and once at Rochester, for three or four days.

In the latter part of February I wrote an article on "Educational Progress," the main object of which was to draw public attention to a series of books, constituting a course of instruction in mathematics, of which my nephew, Prof. Charles Davies, was the author, and especially to his then late work on the "Logic and Utility of Mathematics." The article was first published in the Geneva Courier, but subsequently was noticed and republished in several leading public journals. It is No. 37 of "Papers Written by me."

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that in whatever station placed, they have all approved themselves able, upright, and efficient. We may, however, be pardoned, chiefly, perhaps, on personal considerations, for expressing our sincere gratification at the unanimous nomination of the Hon. Samuel A. Foot, whose matured and accurate judgment, profound legal learning, and varied and extensive general information, amply qualify him for the discharge of the responsible duties of Judge of the Court of Appeals. The responsibilities of that office could scarce be thrown upon shoulders better qualified to sustain them.—*Ontario Whig*, Wednesday, September 24th, 1851.

After entering upon my judicial duties, they received my first and best attention. The court was in session in the city of New York when I was appointed, and remained in session only five days after I commenced my duties. Individual and professional business detained me in the city several days after the court adjourned, and I did not reach home till near the end of April. Several days were required to put in order the official library, which was attached to the office and had been sent to me from Albany, and I did not commence the examination and decision of cases argued and submitted to the court after I became a member of it till Monday, the 5th of May. On that day I determined to devote three of the best hours of each day, viz., from 9 o'clock A.M. to 12 M., to my judicial duties, and if more time was required, a portion of the afternoon. The result showed that these three hours were sufficient, as only occasionally during the year was any portion of the afternoon required. The court usually heard and received on submission at each term, from fifty to sixty causes for examination and decision during the vacation. These were distributed among the eight judges, so that two judges were specially assigned to examine and write opinions on each case, to be read at the next term when in consultation for judgment. I did not attempt to make any change in this mode of examining and deciding causes, but determined that it was my duty to examine fully every case, whether assigned to me or not, and put on paper the reasons for my decision. Consequently, whenever a case came up in consultation for consideration and judgment, I was prepared to give my opinion and my reasons for it, and often my opinions were adopted by the court in cases not assigned to me. There were two reasons for my being able thus fully to examine, and write in each case—one was, that I paid close attention to the arguments of counsel, and gave my mind entirely to each case when under argument—took notes of all positions which appeared clear, and of those which required further examination, so that when I took up a case in my library to examine and decide, the only labor required was to examine the positions noted for further exam-

ination—the other was, that my professional practice had been so long and so diversified, that only one case occurred while I was a member of the court, which depended on principles of law, that had not been fully and carefully examined by me while at the bar. Every case but that one turned on points of law, with which I was not only acquainted but had applied and tested in practice.

Although absent from home several days near the middle of May, as will be hereafter mentioned, I completed the examination and wrote opinions in all the cases before me for decision, on the 22d of May. No further judicial duty required my attention till the 17th of June, when another term of the court commenced at Elmira. That term continued till the 11th of July. I attended daily. The court held but one session on Saturday. This enabled me to come home in the afternoon and pass the Sabbath with my family ; but I was always back in time on Monday morning to be present at the opening of the court.

I examined, decided, and wrote opinions in all the cases argued and submitted at that term of the court, and finished the last one on the 31st of August. This gave me the whole month of September for general objects, as the next term of the court did not commence till the 30th day of that month. On that day it commenced at Syracuse, and continued till the 23d of October. I attended daily, but as the court held no session on Saturday afternoon, I came home and spent all my Sabbaths, except one, with my family. I examined, decided, and wrote opinions in all the cases argued and submitted at this term, and finished the last one on the 13th of December. This completed my duties as judge, except attending a term of the court held at Albany the three last days of the year, to decide the causes remaining before the court for judgment.

My opinions, which the reporter thought proper to publish, will be found in Selden's Reports. None of them are judicial essays, but all are brief and on the points upon which the cases turned.

Beside discharging my judicial duties this year, I heard

and decided several cases which had been referred to me as sole referee before my appointment as Judge.

My time, after my appointment, not required in the discharge of my judicial duties, and in hearing causes as a referee, was divided between general reading, domestic matters, and social duties.

I took considerable exercise this year on horseback, and so did your mother. We often rode together. I also frequently rode with the children. The year also afforded me some recreation. Near the middle of May the Erie railway was completed and opened to Dunkirk. A party of gentlemen were invited to join the directors and officers of the company in an excursion on the road, from the city of New York to Dunkirk. Among them were the President of the United States, the members of his cabinet, and a number of other distinguished gentlemen. I was invited to be one of the party, and joined it at Elmira—went to Dunkirk, partook of the entertainment there—was assigned to respond to one of the toasts—spent a night at Dunkirk at a party given to the invited guests, and was invited to accompany the President, the members of his cabinet, and other gentlemen, to Buffalo, but declined, considering it my duty to return home and resume my judicial duties, which I did the next day.

Your mother not being well, and needing a change of air and duties, she and I left home on the 23d of May for a visit to our relatives in the city and New Jersey. We took Jane, one of the twins, with us. We had a safe and pleasant journey to the city, and lodged with my nephew and niece, Mr. and Mrs. Thomas A. Davies, in our former residence. After spending a few days in the city with our relatives on both sides, we went to Springfield, N. J., and made your aunt Eliza a visit of several days; then to Weston, N. J., to visit Mr. and Mrs. I. R. Cornell, where we passed a week, and then returned to the city. After staying there a few days, enjoying the society of our relatives and friends, we came home, where we arrived on the 13th of June. Your mother's health was

greatly improved by the journey and visit, and soon after our return she regained entirely her usual strength and health.

I took one more short excursion this year. When John went to college in the latter part of September, I went with him to Williamstown—spent a couple of days there assisting him to arrange and furnish his room in college, and visiting the President and other members of the faculty. On my way to Williamstown and back I stopped a day in Albany with my nephew, James Edwards, and his family.

Our children remained with us this year in Geneva, attending schools there, except John, who was in Williams College, and Samuel C., who, early in November, entered a classical school at South Williamstown, the same one where John had finished his preparation for entering college.

By becoming an elder in the church and member of the consistory, new duties devolved upon me in connection with the spiritual and secular state of the church. The church was in debt and its finances in great disorder. I proposed measures in the consistory for introducing system and order in the future management of the temporal affairs of the church, which were adopted, and from that time to the present (1870) been advantageously followed. I consented to become chairman of the finance committee, and gave the requisite attention to the duties of the position. My eldership made it my duty to take a part at the prayer meetings. I often led in prayer, and in the absence of the pastor conducted the meetings. In August I resumed instruction in the Sabbath-school, but was so often from home that I accomplished but little in that line of duty.

In the latter part of the month of April this year, our daughter Mary became deeply anxious respecting the salvation of her soul. My entry in my diary of Monday, the 28th of that month, is as follows :

“ Heard two excellent sermons yesterday from a Scotch clergyman, whose name I have not heard ; and the one in the afternoon appears to have been blessed to my second daughter Mary. She came home from church deeply affected. Held a most interesting

conversation with her mother. They prayed together, and Mary most delightfully. I had a conversation with her afterwards, and prayed with her. O God, if consistent with thy holy will, carry forward and perfect the work of grace which appears to have been begun in her heart. I ask it for Christ's sake." \*

Early in May, our eldest daughter, Euphemia, was deeply impressed by religious truths. My diurnal entry of Monday, 5th of May, is in these words: "Heard two agreeable and impressive sermons from the Rev. Henry V. Voorhees,† a young clergyman, recommended to us by my friend, Mr. Frelinghuysen. My daughter, Euphemia, was deeply impressed with the afternoon services, and I hope is touched by the Spirit of her Heavenly Father."

It now remains to give a few extracts from my diary to show my own spiritual condition during the year:

Monday, January 6th.—"There was communion in our church yesterday. I greatly enjoyed the services. O my God, forgive my sins, help me to live near to thee, and fill me with thy Spirit."

Tuesday, January 21st. After deciding to accept an eldership in our church.—"In the acceptance of this new office in the church I trust my motives are right, and, gracious God, grant me thy blessing, and wisdom from above."

Monday, February 17th.—"In the forenoon of yesterday I was ordained as an elder, and took upon me the obligations and duties of that office, and with God's help intend to perform them. This is an office which was tendered to me while a member of the Wall Street church in New York, and also during the two first years I was in this village, but declined, and now I feel as if I was incompetent to discharge its duties, and have accepted it because the exigencies of our church seem to require it of me. Gracious God, assist me in the discharge of its duties, and forgive, for Christ's sake, what thou seest amiss in me."

Sunday, February 23d. After mentioning the birth of the twins, and that they were fully and well formed.—"O God, I thank thee for thy merciful dealings with my dear companion, and for these

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\* This prayer was answered, and this dear daughter is now (February 2d, 1870) to all human appearance, near entering upon the reward of a well-spent Christian life.

† He afterwards became our pastor.



little immortals whom thou hast given us—spare their lives, I entreat thee, and enable us to bring them up in thy fear and to thy glory.”

Thursday, April 10th. After hearing of my appointment as Judge.—“O God, how full of mercy and loving-kindnesses are all thy dealings with me. Oh give me health, and wisdom from above, that I may be able to fill rightly this extended sphere of usefulness—be a righteous Judge, and a blessing to the people of this state. I ask it for Christ’s sake.”

Thursday, May 22d. The day before Mrs. Foot and I left home for our visit to the city and New Jersey.—“Gracious God, be merciful to us, keep us and ours in safety during our absence, and permit us to return in health. We ask it for Christ’s sake.”

Friday, June 13th. After our return from our visit, and an account of it.—“And now, gracious and merciful God, I desire to record my deep and hearty thanks for thy kind dealings with me and mine. Continue, I pray thee, thy kind care over us—renew us in thine image, and prepare us for death and thy presence. I ask it for my dear Redeemer’s sake.”

Saturday, September 13th. The day after I was nominated for election as Judge of the Court of Appeals.—“I thank thee, O God, for this renewed instance of thy favor. Thou art the Giver of every good and perfect gift. All I have in this life, or hope for in the life to come, is bestowed by thee. Oh may I be duly grateful, and live more in accordance with thy holy will;” and a few days afterwards when reflecting on this event, “I hope, with God’s assistance, not to allow the honors of this world, nor the praises of men, to have any other effect on me than to humble me; lead me to a closer watch over myself, and more earnest efforts to use the influence I may possess for the good of my fellow-men.”

November 4th, Tuesday. The day Samuel C. left home for school.—“Oh that a gracious God will watch over, preserve, and lead him in the paths of righteousness.”

November 11th, Tuesday.—“By the news of last evening, it seems probable that I am not elected to the office I now hold by the appointment of the Governor. If this be so, it is the will of my Heavenly Father, and I pray for a submissive and obedient spirit, that I may receive the disappointment with composure, and profit by it.”

November 27th, Thursday. Thanksgiving day. After an enumeration of the many temporal and spiritual blessings enjoyed during the year.—“All these and many more favors are the product of thy bounty, Heavenly Father. Oh, what can I render to thee for thy great goodness! Only the poor thanks of a sinful heart.”

December 17th, Wednesday.—“This is my birthday. I am sixty-one years of age. This is rightly regarded as old age, and yet how little good I appear to have accomplished. Had my duties as a Judge been continued, my hope was to render some service to my fellow-men before life closed; but a gracious God and kind Father has ordered otherwise, and it is my duty to be satisfied. He knows best what is good for me. I thank thee, O God, for sparing my life so long, for continuing to me health and the use of all my faculties. If consistent with thy holy will still spare me, and permit me to be an instrument in thy hands to train this numerous family of children thou hast given me in thy fear and to thy glory. Fill me also with thy Spirit, that I may grow in heavenly graces, and be prepared for thy presence when thou shalt call me to it. Pardon my numerous sins. I ask it for Christ's sake.”

### 1852.

This year formed an era in my life. With it I took a fresh start in my profession. After closing my judicial duties at Albany, I remained a few days to close some matters of business connected with my judgeship, and arrange for the transfer of my official library to my successor, and then went to New York.

After full consideration, I determined to resume my practice as a counsellor-at-law, and entered into an arrangement with William E. Curtis, Esq., by which we took a suite of offices together, and formed a qualified co-partnership. Mr. Curtis and I were natives of the same town in Connecticut, and he was also my nephew by marriage, Mrs. Curtis being a granddaughter of my sister Davies.

The resumption of my profession and arrangement with

Mr. Curtis, proved to be fortunate and happy, as the sequel will show. The only drawback was the necessity laid upon me of being absent frequently from home, and often for several weeks at a time. That was the case this year.

A few days were required to complete my arrangement with Mr. Curtis. I then returned to Geneva, but left again for New York on the 2d of February, and was detained there till the 14th of that month, when I again returned to Geneva. The 4th and 5th of March were occupied in trying a cause at Lodi, and the 11th and 12th of that month in the trial of an important cause at Batavia. I left home on the 21st of March for Albany, to attend the Court of Appeals, and was engaged there till the 17th of April. The 19th, 20th, and 21st days of that month were spent at Penn Yan in professional business. From the 3d to the 22d of May I was engaged in the same way in New York. On the 4th of June I went to Albany to attend a term of the Court of Appeals, and was occupied there till the 9th of July, with the exception of three days spent in coming home to pass a Sabbath with my family. Professional engagements required my presence at Albany and New York from the 14th of September to the 3d of October, and again at New York from the 2d to the 7th of November. The 9th day of that month was passed in professional business at Canandaigua, and the 12th and 13th days of December in the same way at Buffalo. My last absence for the year on professional business was from the 6th to the 31st of December at New York.

While attending the Court of Appeals at Albany in April, I was retained by the Governor of this state to argue one of the most important causes which have arisen in this state. My retainer was in pursuance of a special act of the Legislature, passed the same day for that purpose.\* My argument

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\* Copy of the Governor's note retaining me :

STATE OF NEW YORK, EXECUTIVE DEPARTMENT.

ALBANY, April 12th, 1832.

SIR :—In pursuance of an act this day passed by the Legislature, I have decided to employ you to appear and act as counsel for the state, in a

was reported in full and published in the Albany Evening Journal. As the report was submitted to me, and revised and corrected by me before publication, it may be regarded as written by me, and is No. 38 of "Papers Written by me."

While attending the June term of the same court held at Albany, the death of Henry Clay of Kentucky occurred. The members of the bar of this state in attendance upon the court, deemed it proper to notice the event, and requested me to address the court on the subject, and move an adjournment. I wrote my address and delivered it before the court and bar on the 1st of July. Chief Justice Ruggles made a brief response. My address and the response of the Chief Justice were published in all the leading journals of the day. It is No. 39 of "Papers Written by me."

The greater part of the time spent at Geneva this year was occupied in professional reading, studies, and investigations. My preparations for arguments and professional duties away from home were made in my library at home. Domestic matters and social duties took up another considerable portion of my time. A few special matters this year in Geneva required and received my attention, and consumed small portions of my time.

The finances of our church required time and attention. There were frequent meetings during the year of the finance committee, of which I continued to be chairman.

The common schools of the village required reorganization this year, and at the request of a number of the prominent citizens of the village, I attended the meetings held for that purpose, was appointed chairman of a committee to consider

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certain proceeding now pending in the Court of Appeals, on a writ of error brought by the Auditor of the Canal Department, involving the constitutionality of the act to provide for the completion of the Erie Canal enlargement and the Genesee Valley and Black River Canals.

With great regard, your obedient servant,

WASHINGTON HUNT.

SAMUEL A. FOOT, Esq.

and report measures for adoption. I drew the report of the committee and some resolutions, which the committee recommended for adoption, attended the meeting to which the report was made, and advocated the resolutions. They were adopted. All this took considerable time.

On the 21st of October I delivered an address before the "Agricultural Society of the Town of Seneca." I prepared it with care, wrote it out in full, and although not long, the preparation of it took time. It was published at the request and expense of the Society, and is No. 40 of "Papers Written by me."

John continued at college this year. Samuel C. remained at school in South Williamstown till the spring vacation. He then came home, wished to go to sea, and claimed a fulfillment of my promise made to him when he resigned his position as midshipman, to aid him in obtaining a position in the merchant service when older and more advanced in his education. He had attended faithfully to his studies when at school, and I acceded to the justness of his claim. He went to New York with me in May. A favorable position was found for him on a first-class ship bound to Hong Kong, China. He sailed on the 26th of May. Our other children old enough to attend school remained at school during the year at Geneva.

Our daughter Euphemia having united with the church on Friday previous, partook of the communion with her parents on Sunday the 6th of June.

Our youngest and last child, Catherine, was born on the 14th of October, and baptized on the 3d of December.

I allowed myself only one short excursion solely for recreation and visiting. While at Albany attending the June term of the Court of Appeals, having on one occasion no case likely to be reached in a few days, I availed of the opportunity to visit with my nephew, James Edwards, our relatives in Saratoga County. We made a visit to my niece, Mrs. Booth, her husband, and children at Ballston Spa, and to my nephews, John Edwards and Edward Edwards, and their families in

Corinth. We were absent from Albany several days, and had a charming visit. When in New York and Albany on professional business I visited relatives and friends a good deal when not occupied in court. Occasionally when I went to New York I took one of the older children with me, to visit our relatives there and in New Jersey. This year Euphemia went twice and John once.

Notwithstanding my frequent absences from home, our family devotions, morning and evening, were not neglected. Your mother conducted them when in health, and when not able to be present, Euphemia supplied her place, and discharged sweetly that duty.

My frequent absences prevented me from taking charge of a class in our Sabbath-school, yet I occasionally attended, and now and then addressed the children.

My trust in God, and my gratitude for His merciful dealings with me and mine, rather increased than diminished this year. Some extracts from my diary will show this, also the state of my religious feelings :

Saturday, January 10th. On my return from New York when I had made an arrangement for resuming my profession.—“I look to thee, O God, for a blessing on this new field of duty—grant it to me if consistent with thy holy will. I ask it for Christ’s sake.”

Monday, February 23d. The birthday of the twins.—“Gracious God, I thank thee for sparing them. Wilt thou continue thy care over them, and enable us (the parents) to bring them up in thy fear and to thy glory. I ask it for Christ’s sake.”

Sunday, April 18th. After my return from Albany and an account of my retainer and argument in the great case already mentioned.—“And now, O God, I desire to record my thanks for thy merciful dealings with me and mine.”

Monday, May 3d. The day I left home with Samuel C. for New York to attend to professional business, and find him a place on board a ship.—“Gracious God, I ask thy blessing on the duties I am about to resume, and on my son and his career which he is about to commence. Protect him, I beseech thee, amid the perils of the ocean, fit him for the duties of this life, and prepare him for

death. Guide me also, Heavenly Father, in all my ways—forgive me my sins and accept of me, for Christ's sake."

Monday, May 24th.—"Last evening my eldest daughter, Euphemia, expressed to her mother and me a wish to join the church. We readily acceded to it. O God, I thank thee for the effectual operation of the Holy Spirit on the heart of my dear child, and bringing her into thy visible church on earth."

Saturday, June 5th.—"Yesterday afternoon my daughter Euphemia united with the church, having been received by the consistory on confession. Gracious God, accept my profound thanks for this great and ineffable manifestation of thy love and mercy."

Monday, June 7th.—"Spent my Sabbath yesterday as usual. The Lord's supper was administered in the forenoon. The services were delightful to me. Our daughter Euphemia was one of us. It was a most joyful occasion to me. Gracious God, I thank thee for thy merciful dealings with me and mine."

Thursday, September 2d. Your mother had been very ill for some days with a fever, but appeared to be considerably better to-day.—"To thee, O God, do I render sincere thanks for the abatement of the sickness of my dear companion. Spare her life, I entreat thee, for Christ's sake."

Thursday, October 14th. The day our youngest child was born—a healthy and well-formed daughter—and Mrs. Foot as well as usual on such occasions.—"O God, I thank thee for answering my oft-repeated and fervent prayer, to carry my dear companion safely through child-birth."

Thursday, November 25th. Thanksgiving day.—"I have special cause to be thankful to the Giver of every good and perfect gift. He has crowned the year with goodness to me and mine. The only occurrence, which has interrupted in the least the full and overflowing current of our happiness and prosperity, was Mrs. Foot's illness, and from that she has entirely recovered. To thee, O God, do I return sincere and deep thanks for all thy mercies during the past year."

1853.

My profession this year required far the largest portion of my time. It took me not only frequently from home, but kept me away, in the aggregate, a considerable part of the year, and obliged me while at Geneva, to appropriate a large share of my time to professional reading, studies, and investigations. I heard and decided this year as sole referee quite a number of actions, and more than in any previous year. Most of them were cases in equity arising in this judicial district. My absences from home on professional business were mainly at Albany, attending the terms of the Court of Appeals, and arguing causes in that court, and at the city of New York, trying and arguing causes there, and doing other professional business. At Geneva, beside professional duties, a considerable portion of my time was occupied in domestic matters; general reading; social duties, instructing my children and joining them with their mother in amusements and recreation. We had a good many visitors this year and more than usual. Attention to them consumed time. The common schools of the village, and the affairs, spiritual and temporal, of our church, required and received attention from me. This also consumed time.

In January a project was started for compelling the village, by a law to be passed by the Legislature, to subscribe for the stock of a proposed railroad. Most of the owners of property in the village, and myself among them, were opposed to it. I drew a memorial to the Legislature in opposition to the proposed law. It is No. 41 of "Papers Written by me." I preserve it, as a specimen of such papers, of which I drew many in the course of my active life. But the subject outside of my profession, which most demanded time and attention, was an address delivered before the "New York Alpha of the Phi Beta Kappa Society" of Union College, Schenectady, my Alma Mater, on the afternoon of the 28th of July, the day before commencement. It was delivered in the Presbyterian



church, before a large audience—was listened to with attention, and favorably noticed in the New York Daily Times of the 29th of July, in an article headed "Commencement week, Union College, Schenectady." \*

This address was written with care, and is No. 42 of "Papers Written by me." The Society thanked me for it, and requested a copy for publication, but this I declined on the advice of your mother, she suggesting that I might wish to repeat it on some other occasion; and so I did, on two subsequent occasions.

Having been invited in the month of October to deliver the opening lecture for the season before "The Fishkill Landing Lyceum," I accepted the invitation, and on the evening of the 1st of November, in the Presbyterian church, before a large and attentive audience, repeated this address, with some slight modifications adapting it to the locality and occasion. It was well received, and a full and favorable notice of it published in "The Standard," the public journal of that place.† I

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\* The Phi Beta Kappa Society, after their annual meeting on Tuesday afternoon, proceeded to the church in which all the exercises were held, to hear their orator and poet. The former, Hon. Samuel A. Foot, LL.D., Judge of the Court of Appeals, addressed the Society upon "The Duties of our Educated Citizens, in connection with the rapid onward movement of the Nation." The oration commenced with a comprehensive and striking picture of the progress of our country during the last half century, in territory, population, wealth, power, and development of resources. This occupied the first half of the address, and the remainder was devoted to an earnest and high-toned investigation and enforcement of the resulting duties of educated men and women; and chief among these, the attainment and due appreciation of the responsibility resting on them, the proper direction of home influence, and the especial duty of teachers. The close was a notice of the various long and wide avenues to usefulness and distinction, which the certain and prospective greatness of our country invites young men to enter, and a caution to mingle meekness and humility with their well-grounded exultation.—*N. Y. Times*.

† The first lecture before the Fishkill Landing Lyceum was delivered on Tuesday evening last, at the Presbyterian church, by Hon. Samuel A. Foot, of Geneva, on "The Rights and Duties of an American Citizen." The attendance was large, and the audience, comprising the most

again repeated it before "The Geneva Literary Association," which met at my house on the evening of the 3d of January,

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respectable and intelligent portion of our community, listened throughout with most profound attention, evidently greatly pleased with the whole tenor of the very able lecture, as well as the pleasing and effective manner in which it was delivered. The lecturer commenced with noticing the importance of education, and proceeded to show the duties that devolved upon those who had received the advantages of it. He then proceeded, in a brief, clear, and succinct manner, to trace out the progress of our great Republic since the commencement of the present century, its various acquisitions of territory, and the vast and important improvements in the facilities of travel. A variety of highly interesting statistics were introduced, comparing our present position with what it was only fifty years ago, and then reasoning from analogy went on to show what it might be expected to become at the close of the present, or the commencement of another century. Yet while he alluded in a very happy manner to the spread of the domain over which the proud flag of our country so proudly waved, he deprecated the unhallowed desire of acquiring territory by unfair or dishonorable means.

While he found much to admire, and of which as a nation we might well feel proud, he deemed it unbecoming to estimate too highly the advancement that had been made, more particularly as within the period of some twenty years there were certain evidences of a lack of that stern purity of principle once so prevalent in our midst, and which were to be deplored. Prominent among these was the withdrawal of the Sacred Scriptures from our schools of learning, where formerly these had been daily and almost hourly introduced, as part of the course of instruction, so admirably calculated to imbue the youthful mind with principles of piety and virtue, so essential to their happiness and welfare. It was upon the basis of the Bible that the laws of our country were established, and the student who devoted his time and his attention thoroughly to the acquisition of Common Law, as it were, unconsciously made himself familiar with the great principles of Divine Law, to which he might have paid a much less degree of attention.

Many of the errors of life were depicted, such as fondness for a vain display, and a disposition to lay too great stress upon the pomp and circumstance of life, seeking and upholding ostentation, rather than endeavoring to cultivate the true and proper qualities of the heart, and becoming familiar with the vast responsibilities that rest upon each and every individual.

The influence and power of woman was dwelt upon with much ear-

1860. It elicited many complimentary remarks. This Association was composed of prominent gentlemen of education of this village, and met every fortnight during the winter at the houses of the members. At each meeting, some member, previously designated, read an original lecture or address.

My Alma Mater noticed me kindly at this commencement,

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nestness, and in a very forcible and truthful manner. Those of parents and teachers, to whom were committed so sacred and important a trust, in whose hands were the destinies of one hundred millions of the future sovereigns of our country, and as each and every individual was accounted to be exerting an influence in some measure, for its weal or woe, how important such a trust! The influences of home and the family circle—the associations of its locality, its construction and adornments, the fields and lawns, and flowers about it, all had their genial tendencies, and should by no means be disregarded. Here the speaker quoted from the poets Montgomery and Burns, very appropriately, the beauties and endearments of a home, and with fine effect. The charm of home was shown to be entirely woman's; and while upon this theme, the attempts that have been made to disturb the sacredness of the law of marriage, by regarding it as mere business contract, or copartnership, received a merited rebuke. The folly of trifling and frivolous amusements, when that which tends to enlarge and expand the mind and heart might be introduced, was nobly dwelt upon; and the general importance of education was most clearly defined, and earnestly impressed. The example of the pious Fenelon was cited, and his success in the reformation of his youthful royal charge shown, to encourage others in the work. Our youth are to become the sovereigns and rulers of our land, and are to frame its laws, which are but expressions of public sentiment, therefore how important that such sentiment should have a proper bias. Although a common household word, the term Education was not properly realized in all its proper bearing, and to this he enjoined attention.

Seldom have we listened with so great pleasure to a public lecture on any occasion, and we rejoice that the opening lecture before our Lyceum has been one of such great acceptance. We may now hope to see it go on prosperously, and as was very properly remarked by the President, Prof. Davies, it may be regarded as the commencement of a new era in our community, affording pleasures and privileges beyond anything ever before enjoyed. A vote of thanks was unanimously voted to the able lecturer, and the next lecture was announced to be in about two weeks, of which due notice will be given.—*Fishkill Landing Standard.*

by conferring on me the degree of Doctor of Laws. This was the second time I had been so noticed. The first one was by Geneva, now Hobart College, and already mentioned.

My exercise this year consisted mainly in working in my garden, and assisting occasionally on the farm. Your mother and I frequently rode together on horseback, also in a carriage, and then generally took some of the children with us. I often went with some of the children to the lake to fish.

John remained at college this year. Samuel C. was still abroad on the ocean. The other children attended schools in the village. Your mother's health was not as good as we could wish. She and I left home on the 24th of May to visit our relatives in the city of New York and state of New Jersey, but mainly to relieve her for awhile from constant duties at home, and give her an opportunity for recreation and the improvement of her health. We remained at the East with our relatives till the 16th of June. We had a charming visit with them and our friends in the city, and at Orange, Springfield, and Weston in New Jersey. The particulars of this visit will be found in my diary. Your mother's health was greatly improved, and almost, if not quite, restored, by this relief from domestic care and duty and the enjoyment of the society of our relatives and friends.

I went to Schenectady in July to deliver my address, and spent four days there agreeably. My daughters, Euphemia and Mary, were with me. They made a visit to the daughters of a friend, at whose house they staid, while I was a guest of friends at the college. When I went to Fishkill Landing, the last of October, to deliver my address, your mother accompanied me. We spent a few days there pleasantly, with my nephew and niece, Mr. and Mrs. Prof. Davies. We went from there to the city and passed a few days before returning home.

My religious duties were discharged this year much as they had been in previous years, and my progress, if any, in holiness and purity of life about the same. A few extracts from my diary will show this :

Saturday, January 1st.—“Blessed Father, again and for another year I commit myself and mine to thy holy keeping—watch over us, let no evil befall us, and do more and better for us than I can think or ask. Grant these petitions for my dear Redeemer’s sake.”

Saturday, April 30th. This day closing my fiscal year, I footed my account of receipts and expenses, and say, “A kind Providence has abundantly supplied all my wants, and I record my deep sense of His goodness.”

Tuesday, May 24th. The day Mrs. Foot and I left home for our visit to our relatives at the East.—“Gracious God, I commit myself, my dear companion, and our children to thy care and keeping on our journey and during our absence. Watch over us, I entreat thee, and permit me and my companion to return to our home and family in peace and safety.”

Thursday, June 16th. The day Mrs. Foot and I returned from our visit to the East.—“We found our family quite well. To thee, O God, I am indebted for all these blessings, and to thee I return thanks for them.”

Friday, July 29th. The day I returned from Schenectady, and after an account of the occurrences which transpired while I was there.—“Gracious God, thou Giver of every good and perfect gift, I thank thee for all these temporal blessings. May they be the means of extending my usefulness, and enable me to promote the good of my fellow-men.”

Monday, September 12th. The day Alfred left home to enter Dr. Reed’s school.—“O God, follow him with thy blessing.”

Thursday, November 24th. Thanksgiving day.—“God has crowned the year with prosperity and fullness to me and mine. All the wants of my family have been fully supplied, and my property considerably increased. Gracious God, I return thee sincere and hearty thanks for thy goodness and mercy to me and mine during the year past.”

## 1834.

My time this year was occupied mainly as in the year before. There were, however, two considerable variations—*First*. My professional engagements did not take me so often, nor so long from home, nor require so much of my time at home. *Second*. More time was devoted to the instruction of my children, especially to their religious instruction.

Next to my profession and the reading and study which it required, domestic matters, social duties, and the instruction of my children occupied my time at Geneva. While these were the leading objects of attention, other duties received their share of time and attention. Among them were general reading, the affairs of the church, and joining my children in their amusements and exercises. Nor should I omit to mention, that this summer I made arrangements for a dancing-school, to be kept during July, August, and September in our play-house, for the benefit of our older children. We invited those of our neighbors, whose children associated with us, to join in the school, which they did in sufficient number to make two quadrilles. The object of this school was not so much to teach our children how to dance as to improve their carriage and manners. Mrs. Foot and I gave considerable attention to it, and were generally present during the hours of instruction.

The common schools of the village having been satisfactorily organized, required no more of my time, and I received in January a formal resolution of thanks from the trustees, for the part I had taken in the matter.

I attended but one term of the Court of Appeals this year at Albany. The rest of my absences from home on professional business were at New York, and at courts in the western part of the state, at which I had more engagements than ever before. References also this year took up considerable time. I heard several cases in adjoining counties as well as in Geneva.

My views on the subject of slavery underwent a great change this year, as already mentioned in my account of the year 1831, and for the reasons there stated. Early in March this year, I wrote Mr. Weed, the leading editor of the Albany Evening Journal, in regard to future action on this subject.\*

My son Samuel C. returned from his long voyage at sea of nearly two years early in March. His ship came into port at Baltimore, Md. I went there to meet him, and came home with him. He was well and happy—had discharged his duties satisfactorily during the whole time, and received the unqualified commendation of the officers of the ship.

Early in August I received and accepted an invitation from an association of prominent gentlemen of the town of Watertown, Conn. (my native town), to deliver an address on the dedication of a new cemetery, which they had established in

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\* GENEVA, March 18th, 1834.

THURLOW WEED, Esq.

DEAR SIR:—Allow me to suggest for your consideration, two principles or fundamental propositions as a basis for future action :

*First.* The repeal of all laws repealable affecting slavery, which have been passed on the footing of compromise.

*Second.* The exertion of the constitutional powers of the General Government in restraint and limitation of slavery, and its aristocratic appurtenant of representation founded on property.

The first proposition follows from the breach of faith which the late vote of Senators from the slave states accomplished, and the second is wise and just, because necessary to put an end to agitation on slavery, as it never will cease till it is settled that slavery can cover no more territory, nor obtain any further admission into the Union; and because the framers of the Constitution did not intend, and the true spirit of that instrument does not allow, representation founded on slave property, and the inequality in that respect between the free and slave states, to extend beyond the slave states which formed a part of the old Thirteen.

Allow me one other suggestion:—A series of numbers in your paper, brief and to the point, no one exceeding half a column, showing the injustice to the free states of this unequal representation, would go far to put the public mind right in the approaching contest.

Respectfully and truly yours,

SAM'L A. FOOT.

that town. This address I prepared with care as opportunity offered during the month of August, and at the close of that month went to Watertown, and on the 4th of September, the day being beautiful, delivered it on the ground in the presence of a large assembly. It was well received, far better than I expected. I received the thanks of the association. They requested a copy of the address for publication. It was given, published, and extensively circulated. It is No. 43 of "Papers Written by me." Your mother, who was with me, said I delivered it with deep feeling. The occasion was an interesting one to me, for the reasons which appear in the address.

In the month of October this year Mrs. Foot and I made a visit to my sister, Mrs. York, and other relatives at Ogdensburgh—mainly, however, to view the grave of my mother, and the tombstones placed over it at my request in the new cemetery near the village.

No material change occurred this year in the education of our children. John remained at Williams College. Samuel C. resumed his studies in the college of this village after his return from sea. The other children continued at school in this village.

This year forms somewhat of an era in my religious reading. In my diary of the 10th of January I find this entry : "Having some few years since read what is commonly called 'Scott's Bible,' that is, the Holy Scriptures with the Rev. Thomas Scott's Notes and Practical Observations, and having lately read the Bible through in course, and finished the last chapter yesterday morning, I have determined to read the Bible with Henry's Exposition, and to use the Philadelphia edition of 1828 which I own."

Heavenly Father, help me to read with a devout and teachable spirit, and may thy holy word prove "A savour of life unto life" to my sinful soul.

A few extracts from my diary will show my spiritual state, my dependence on God, and my desire to live in submission to His will :



February 2d, Thursday.—“Attended prayer-meeting last evening. Led in prayer, and felt and enjoyed communion with my Heavenly Father.”

March 11th, Saturday. After arriving at home from Baltimore, Md., with Samuel C.—“Gracious God, thou hast been very good to my dear son, and returned him to his home safely and happily. I desire to record my devout and sincere thanks to thee for thy kind dealings with him. Oh grant me one more blessing—fill him with thy Spirit, and turn him to thee with a full and devout heart. I ask it for Christ’s sake.”

May 17th, Wednesday. On returning from the city after an absence of some days.—“All things have occurred happily for me in my absence. I found my family well and happy. To thee, O God, do I return deep and sincere thanks for thy kind dealings with me and mine.”

June 29th, Thursday. The day of leaving home for the city to be engaged there for some days.—“Gracious God, protect me amid the perils of my journey, and permit me to return safely to my home and family. I ask it for Christ’s sake.”

September 15th, Friday. On the return of Mrs. Foot and myself from Connecticut.—“We have had a pleasant trip and returned safely. Gracious God, I thank thee for thy care over us, for protecting us and our children during our absence, and permitting us to return to our home safely and happily. Oh watch over us and our children, and prepare us and them for life and death, and accept of us all for Jesus’ sake.”

November 30th, Thursday.—“This is the day set apart by the Governor of our state to return thanks to God for his mercies and favors during the past year. They have been bestowed with a bountiful hand on me and mine, and, gracious God, I desire here to record my profound thanks to thee for the many temporal and spiritual blessings bestowed on me and mine during the past year, unworthy as I am of the very least of thy favors. Oh forgive me my sins and shortcomings in duty, for Christ’s sake.”

1853.

Several events distinguished this year from other years of my life, both as regards myself and our three oldest children. I will state them in their chronological order.

In the month of February I avowed myself publicly in favor of a prohibitory law for the suppression of intemperance. This was done by a letter addressed to Edward C. Delavan, Esq., the eminent, liberal, and efficient supporter and advocate of the cause of temperance, at his request, and which, with other letters from distinguished gentlemen on the same subject, was published by him and extensively circulated.

It is No. 44 of "Papers Written by me."

Our daughter Euphemia, having so far completed her education as to leave school, your mother and I determined on an excursion with her, as well for our own gratification and recreation, as to give her an opportunity to see something of the world and visit our relatives at the East. We left home on the 14th of June, went to Saratoga Springs and took lodgings at Congress Hall. We passed several days there very agreeably. We then went to Ballston Spa, and spent a day there with my niece, Mrs. Booth, her husband and their family. From there we went to the Catskill Mountain House, where we met some agreeable acquaintances, and passed several days pleasantly. We then went to New York, but only remained there long enough to dine, and proceeded to Millburn, N. J., to visit our sister, Eliza Campbell. We remained with her several days and then went to Weston, N. J., to visit our friends and relatives, Mr. and Mrs. Cornell. After passing some days with them, your mother and I came home, leaving Euphemia to make a longer visit.

John completed his collegiate course in the latter part of July, and came home from Williamstown. He went back for a few days about the middle of August to attend commencement, in which he took a part, and receive his diploma.

Early in August Samuel C. went to New York to engage as a clerk in mercantile business, his mother having succeeded in persuading him to give up a mariner's life.

In the forepart of July I received and accepted an invitation from the "St. Lawrence Agricultural Society" to deliver an address before that Society at their agricultural fair, to be held at Canton in that county the latter part of September. I wrote this address during the month of August, and completed it on the 1st day of September.

On the 10th of September John and I went to the city, he to commence his professional studies and remain there, I to attend to some professional business, and see him and Samuel C. properly settled for the winter. I was occupied in the city some eight days and then returned to Geneva. On the 25th of September I left home for Ogdensburgh. After passing a day there with my relatives, I went with my sister, York, my niece, Mrs. Ranney, and some friends to Canton, and delivered my address there on the 28th of that month, before an immense audience of some six or eight thousand people. The address was well received. The Society published it in pamphlet form, and gave it a wide circulation.

It is No. 45 of "Papers Written by me."

On the 16th of October a Republican Convention of Ontario County nominated me for the office of County Judge, which I declined, not because it was of a lower grade than the judicial office I had previously held, but because my engagements were such that I could not discharge its duties.

On the 20th of October I was nominated as the Republican candidate for Member of Assembly for the Eastern District of the County. I had not before that time identified myself by any public act with the Republican party, but had frequently expressed to friends my approval of its principles and objects. I concluded to accept the nomination, and openly and publicly become a member of the Republican party.

In my letter to the committee, who communicated my nomination to me, I assigned, with considerable fullness, my

reasons for joining the Republican party. This letter was printed and extensively circulated. It was also published in the leading Republican journals, and highly commended. The Republican committee of the District of Columbia published a large edition of it, and circulated it as a campaign document.

It is No. 46 of "Papers Written by me."

I was elected a Member of Assembly at the following November election.

My time was employed this year mainly as in the previous one. My profession required and received much the largest portion of it. Professional engagements took me frequently from home, and for several days at a time—twice to Albany in January, to argue causes in the Court of Appeals—several times to New York, where I had this year more professional business than usual—four times to Rochester—three to Canandaigua, where I was occupied altogether twelve or fifteen days—once to Lyons, Wayne County—once to Penn Yan, Yates County, and once to Ithaca, Tompkins County, where I was engaged several days in the argument of an important cause. I heard and decided as sole referee this year a large number of actions, and on several occasions went into adjoining counties to take the testimony and hear the arguments of counsel.

One professional engagement this year was of an unusual character. While in New York in April I was retained by the owners of property on Broadway to accompany a committee from them to Albany, and assist in defeating a law which had already passed the Assembly, to establish a railroad in Broadway. This engagement detained me in Albany several days. We accomplished our object.

The opportunity which the discharge of this duty gave me to see how much good an upright legislator could accomplish at Albany, was one, and I think I can truly say, the prevailing consideration which induced me to go to the Legislature the two following years.

Among other professional services of the year was one for the American Home Missionary Society, which I rendered gratuitously, and received a formal resolution of thanks,

passed by the executive committee of the Society, and a cordial letter from the secretary communicating it.

My time at Geneva not given to my profession was divided between domestic matters, reading, social duties and enjoyments, instructing my children, and joining them in their recreations and amusements.

The affairs of the church also continued to receive my attention.

A few extracts from my diary, showing how my religious duties were performed, and my progress, if any, in holiness of life, will complete the account of the year :

January 2d, Tuesday.—With the aid and blessing of my Heavenly Father, I hope to pass the present year better than any previous one."

March 19th, Monday.—"We have changed our hour for evening prayers on Sabbath evening to 7 o'clock, so as to have Samuel C. and Alfred with us. This hour precedes the time Samuel C. goes to college and Alfred to Dr. Reed's, and is a pleasant mode of closing the duties of the day."

April 3d, Tuesday. On leaving home for the city on professional business.—"Gracious God, I commit myself and my family to thy paternal care; preserve us, I entreat thee, and allow us to meet again in peace and joy. I ask it for the Saviour's sake."

April 13th, Friday. On my return from the city.—"I thank thee, O God, for preserving me and mine during my absence, and permitting me to join my family again in health and peace."

MEMORANDUM.—My diary shows, that always on leaving home and on returning, I offered and recorded prayers similar to the above, and shall omit mentioning them hereafter.

April 30th, Monday.—"This day is my eldest son's birthday. He enters to-day on his twenty-first year, and gives promise of respectability and usefulness. I thank thee, O God, for sparing his life and enabling him to acquire an education. Oh send thy Spirit upon him with power, give him a new heart, and make him a true child of thine in Christ."

June 11th, Monday.—"Spent my Sabbath yesterday as usual when at home, and I am happy to believe better than I usually do. My usual mode of passing my Sabbath now is as follows:—

*First.* Reading myself, with all the children who can read, a chapter in the Bible, each reading a verse in succession. *Second.* Prayers—the oldest son present commencing by repeating the Lord's prayer. *Third.* After breakfast and before the children go to Sunday-school, I hear the little boys repeat their Catechism. *Fourth.* Immediately following the afternoon service in church, I hear the younger children repeat what they can remember of the sermons, and the older children in a Bible lesson, at which I explain some portion of Scripture. I am now on the Parables. *Fifth.* Sacred music and prayers about 7½ o'clock. I enjoyed greatly my Sabbath yesterday, and especially the services at church. They were conducted delightfully by our pastor."

July 4th, Wednesday. On the return of Mrs. Foot and myself from our tour and visit with our daughter Euphemia.—"To thee, O God, do I give deep and sincere thanks for the pleasure of this tour and visit. Thou art the Giver of every good and perfect gift. Enable me to realize this truth and act accordingly. Forgive my sins, and accept of me for Jesus' sake."

August 6th, Monday.—"This day my second son, Samuel C., is to leave home to commence life for himself. He is going to the city. Gracious God, I commit him to thee; receive him, watch over him, and bless him. I ask it for Christ's sake."

September 10th, Monday.—"My son John accompanies me to the city to-day. He is to commence his professional studies there and begin life for himself. O God, I commit him to thy care. Pour thy Spirit upon him and make him a child of thine, through Jesus Christ, thy Son, his Saviour."

October 22d, Monday. After my nomination for Member of the Assembly.—"I hope and trust that being a candidate for a popular office will not draw me from religious duties. Gracious God, watch over me, I entreat thee, and give me the aid of thy Spirit to keep in the path of Christian duty."

November 23d, Friday. After my election was ascertained.—"This election opens a new and wide field of usefulness to me this winter. I hope to fill it worthily, and to that end, I pray my Heavenly Father to give me wisdom from above and direct me in all my ways."

November 29th, Thursday.—"This is Thanksgiving day, and I desire to record my deep and devout thanks to my Heavenly

Father for the abundance of all things which he has given to me and mine the past year. O God, be merciful to me, and continue thy favors, unworthy as I am, and accept of me and mine, for Christ's sake."

1856.

This was a very busy year for me. My time was wholly occupied, principally in legislative, professional, and social duties. Domestic matters, embracing mainly the care of my large family, demanded some of my time. Politics also again this year interested me and received considerable attention. The affairs of the church, too, required some of my time. Nor did I neglect general and professional reading. Only a few days on two different occasions, which will be hereafter mentioned, were spared for rest and recreation.

On the 31st of December, 1855, I went to Albany, and on the next day, 1st of January, 1856, commenced my duties as a legislator, and continued at this post of duty till the 9th of April, when the session of the Legislature closed. I took rooms at Congress Hall, and passed my time pleasantly, though I labored assiduously in the discharge of my duties. I was chairman of the judiciary committee, which cast upon me a large amount of labor. Besides the duties which devolved upon me as an ordinary legislator, my professional and judicial standing subjected me to heavy exactions on my time. I made it a rule to be present always, when the Assembly was in session, and to understand and attend to every proceeding. I was absent only twice during the session, viz., two days in January and one day in February, on each of which occasions I was obliged to go to New York to argue a cause in which my services could not be dispensed with.

The journals of the Assembly contain a brief, though full and accurate, account of my legislative action. I spoke often, yet only when it clearly appeared to me I could aid the house in forming a correct judgment on the measure before it, and then always briefly, and directly to the point under considera-

tion. This course always secured for me the attention of the house, when I rose to speak.

I will mention a few of the measures which were introduced and carried through by me, and for which I was commended.

The first related to the printing of the journals of the Senate and Assembly. No better account of the matter can be given than that contained in the following extract from the Albany Morning Express of January 24th, 1856 :

"We trust none of our readers failed to read the admirable speech of Mr. Foot on this subject, delivered in the house on Tuesday, and reported in yesterday's Express. For the benefit of those who did not, we shall offer a word or two of explanation.

"It appears, in the first place, that the persons charged with printing the journal and proceedings of the house have been very negligent in the discharge of their duty. Over three weeks of the session have passed, and yet no journals of any day's proceedings have been laid upon the desks of the members. Mr. Foot stated, that near the close of the last session he had occasion to examine the journals of the house, when he ascertained that none of them had been printed, and he found them in manuscript and in piles in the office of the contractor, Mr. Van Benthuyssen; some in drawers, and some not.

"That there is a manifest neglect of duty in this business, is plain from a standing rule of the house, which provides that 'the journal of each day's proceedings of the house shall be printed so that it shall be left on the tables of the members within four days after its approval, and the sergeant-at-arms shall cause the printed journals to be kept on file, in the same manner as other printed documents.'

"We trust that the committee appointed to investigate this subject will discharge their duties thoroughly, and that they will throw a little light upon the details of this printing business."

The second related to the taxes levied in the city of New York. I introduced the subject by the following speech, which will explain the whole subject :

"Mr. DUGANNE introduced a bill to enable the Supervisors of New York to raise money by tax.



"Mr. FOOT rose and said: I move that this bill, being the tax bill for the city of New York for the year 1856, be referred to a special committee consisting of two members from the city of New York, and of three members from other parts of the state. Having passed eighteen years of active life in the city of New York, my productive property being mainly there, and retaining still a place of business in her great thoroughfare, Broadway, where I pass a portion of my time, I have a right to be heard, and a duty to perform on all measures affecting her welfare. Our commercial metropolis is identified with the character, interests, and prosperity of the state. Its government has become a by-word and reproach throughout the state and country. Until the last twelve or fifteen years executive and legislative offices in the city were deemed honors by all, and none but men of the highest character were considered worthy of them. Then the finances of the city were economically managed. With a population in 1845 of 371,000, the whole amount of tax raised was somewhat less than \$2,000,000. This year, with a population of 630,000, the city government asks the legislature to allow it to raise by tax over six and a half millions of dollars. The amount is enormous and startling. A request to the sovereign power of the state to force by law such a monstrous sum from the income and earnings of only one-sixth part of our population is appalling; and when it is considered that of this immense sum all but \$800,000 of the city's proportion of the state tax is asked, to meet the expenses of the city government, the spirit sinks and the heart is faint—the patriot and advocate of self-government is filled with distrust—is alarmed at the prospect, and fears the result of the great experiment we are making on the ability of a people to govern themselves. The estimated expenses of our state government for this year, including its noble charities of \$222,000, are only \$1,574,000; less than one-third asked for the expenses of the city government. Thus it is seen that the state governs well 3,470,000, and entirely 2,800,000 people, for less than one-third asked to govern wretchedly 630,000. If the city were now governed as economically as it was in 1844 and previously, in proportion to its population, the sum required this year would be \$3,400,000, whereas the sum asked exceeds \$6,500,000. Hence more than \$3,000,000 will be drawn by law from the taxable inhabitants of the city of New York for wasteful

if not corrupt purposes, if the Legislature does not interpose and refuse its sanction to such wholesale plunder and oppression. My sober judgment is, that if the Legislature does not interfere and refuse to allow the municipal government of New York to draw such immense sums from the industry and enterprise of the people, the city will be ruined. Capital will seek employment elsewhere, enterprise droop, and industry find occupation where its earnings will be more secure. The city feels the evils of bad government, is chafed and restless. Seeing other cities and the rest of the country economically and well governed, the inhabitants naturally think the fault is in the structure of their government, and have, within the last twelve years, altered the charter several times, and now propose to alter it again. But, alter it as they may, they will never have a better government while their officials are allowed to handle \$6,000,000 of money a year. I have looked over the list of items in this bill. While the city government should be allowed to have all they ask for educational purposes and to meet their engagements, yet it seems to me they may and should be restricted in a great many of the expenditures they propose. For instance, they ask for \$260,000 to clean streets—give them \$500,000 for that object and they would expend it all. Give them but \$150,000 and the streets will be kept just as clean. They ask \$1,000,000 nearly for their Almshouse—give them \$2,000,000, and there will be mouths to feed and officers to spend it. Reduce it to \$750,000 or \$500,000, and the poor will be just as well taken care of. They ask for \$370,000 for salaries. Reduce it \$75,000, and the salaries in proportion, and the city will be just as well served. At any rate, let us refer the subject to a suitable committee to inquire and report to us the result of their investigation. As the question, whether the Legislature shall take a more active supervision over the city government than it has done heretofore is a grave one, and involved in the motion before the house, I desire it may lie on the table, to enable gentlemen to express their views deliberately upon it.”

My proposition was vigorously opposed by members of the New York delegation. After an earnest contest, I finally succeeded in carrying my proposition substantially as proposed.

The following are notices of it in the public journals :

“It will be seen by the proceedings of the Assembly on Saturday, that the question which has been so long pending and so

warmly contested respecting the reference of the New York tax bill, has been decided substantially in favor of Mr. Foot's first proposition, viz., to refer it to a committee consisting of two members from the city and three from other parts of the state, as that is the composition of the committee on the 'incorporation of cities and villages' to which it is referred.

"But the circumstance which renders this decision of the house important, is that the house has thus recognized the principle contended for by those who opposed the reference to the New York delegation, that the Legislature will hereafter supervise and restrain within reasonable bounds the expense of the city government."—*Albany Evening Journal*, Monday Evening, March 3, 1855.

"It will be seen by our legislative report, that the New York tax bill, which has been the subject of a good deal of debate and excitement, under competing motions to refer it, was on Saturday taken from the hands of the New York delegation, and referred to the standing committee on cities and villages—a committee which, in its composition, corresponds substantially with the original proposition of Mr. Foot, of Ontario, for a select committee."—*The Atlas and Argus*, Monday Morning, March 3, 1855.

An investigation by the committee resulted in a considerable reduction of the amount proposed to be raised.

#### *Third. Women's rights.*

There were great efforts made this year to induce the Legislature to pass an act establishing what are called "*women's rights*." Printed forms of petitions were spread all over the state, and after the Legislature convened, they came in by scores to the Senate and Assembly, more or less numerously signed. Those presented to the Assembly were all referred to the judiciary committee. Being chairman of that committee they were all sent to me. The committee regarded the idea of changing the order of an infinitely-wise Creator in regard to the sexes of those created in his own image, as too absurd for serious consideration, and determined to make no report on the subject.

One evening I found on my table an unusually large bundle of these petitions, which had been presented that day to

the Assembly, and sent by the clerk to me. These, with the others before sent to me, would nearly, if not quite, fill a bushel basket. The whole thing struck me as so ridiculous, that I took my pen and wrote a *jeu d'esprit*, solely for my own amusement, and endorsed it "Report on Women's Rights." I took it over to the Assembly-chamber to show to and amuse my friends. But it so happened that without any one seeing it, it got into my drawer among other papers, lay there for some weeks, and had almost wholly passed out of my mind. One day a member of the house inquired why the judiciary committee had not reported on women's rights. Recollecting that I had written something about them, I looked over the papers in my drawer, found this one endorsed "Report on Women's Rights," and sent it to the clerk of the house to read. He read it audibly, to my amazement and confusion, but to the uproarious delight of the house. One member proposed to print 5,000 extra copies. It was universally published, and I scarcely met a friend or acquaintance within the next ten days who did not greet me with a laugh or a smile. The result showed that it was just the right way of putting down such nonsense. Only one petition was afterwards presented in the Assembly, and that was referred to the committee on grievances. It killed women's rights for the time and for several years afterwards.

The report is No. 47 of "Papers Written by me."

On Monday evening, the 28th of January, 1856, a colonization meeting was held in the Assembly-chamber, of which I was appointed chairman. On taking the chair, I made a short address, which will give my views at that time on the great and absorbing subject of slavery.

It is No. 48 of "Papers Written by me."

While at Albany your mother made me a couple of visits of about one fortnight each—one in the early part, and the other in the latter part of the session. I passed a few days at home during the usual annual recess of the Legislature in February in honor of Washington's birthday.

My professional engagements this year were unusually

numerous. They took me often from home—several times to New York—once to Albany—a number of times to Rochester and Canandaigua, and occasionally to other counties in this part of the state. In addition to my duties as a counsellor-at-law, I heard and decided a good many cases as sole referee.

Our son John being at home in July on a visit, I spent a couple of days near the middle of the month on a fishing excursion with him and some friends, and near the end of the month your mother and I joined a party of friends from the city on a trip to Niagara Falls. We took John and Mary with us. We passed two days charmingly at the Falls.

In the month of October and while engaged professionally in the city of New York, a Republican convention in this Assembly district nominated me again for Member of Assembly. This was wholly unexpected, and not desired by me. But acting on the principle, which always governed me, that no citizen should decline an office conferred on him by his fellow-citizens, if he was able to discharge his duties, I accepted the nomination, and was elected in November following by a largely increased majority.\*

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\* My letter of acceptance :

NO. 106 BROADWAY, NEW YORK, Oct. 12th, 1856.

THOMAS J. McLOUTH and GEORGE B. DUSINBERRE, Esqrs.

GENTLEMEN:—Your letter of the 11th inst., apprising me of my nomination for a re-election to the Assembly was received to-day.

I cannot recall any event of my life more unexpected than this. I took it for granted that as our town was not entitled to the member according to usage, the nominee would come from some other town; and I feel most grateful to my fellow-citizens for the distinguished honor (for I so regard it) of yielding their claims in my favor. I also thank my fellow-townsmen for this renewed evidence of their confidence and respect. The only return I can make is, if elected, to serve the district and the state with fidelity.

This being a public trust freely offered, and the duties of which I am able to discharge, there is no reason why I should hesitate to accept it—and this I do the more readily, *because I have listed for life under the Republican banner against the further extension of slavery*, and I am willing to serve in any position which my fellow-citizens may designate.

Our children enjoyed good health this year. John and Samuel C. were occupied in the city. John as a student of law till December, when he was admitted to the bar, and Samuel C. as a clerk in a store. Early in October I took Alfred to Watertown, in Connecticut, and placed him at school there. Euphemia spent considerable time during the year with our relatives in New York and New Jersey. Mary pursued her studies at home, and the younger children who were old enough, attended school in Geneva.

The manner in which my religious duties were discharged during the year, and my spiritual life, will appear by some extracts from my diary.

In my diary of January 1st is an entry stating the manner in which I intended to pass my time in Albany and attend to my religious duties, viz., "to rise at 6 o'clock in the morning and retire to rest at 11 o'clock in the evening. After dressing in the morning, prayer, reading in Henry's Exposition of the Bible, a chapter in the Testament, and a hymn in the hymn-book of our church, and writing my diary, all in the order stated and before breakfast; prayer in the evening before retiring to rest, and attending church twice on the Sabbath." In these duties there was no material deviation during my stay in Albany.

April 10th, Thursday. On leaving Albany for home at the close of the session of the Legislature.—"I thank thee, O God, for having preserved me during the winter and the session of the Legislature in health—permitted me the use of all my faculties and to occupy a prominent place of usefulness. Forgive what thou hast seen amiss in me, and accept of me for Christ's sake."

April 28th, Monday.—"Spent my Sabbath yesterday as usual, and I trust better than I often do. Our pastor, Rev. Joseph A. Collier, conducted both services, and they were very interesting.

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Please communicate my grateful acknowledgments to the gentlemen of the convention who nominated me, and accept for yourselves the assurances of my friendship and regard.

SAMUEL A. FOOT.

I had a pleasant half hour with my children in Bible class. I thank my God that this morning, in my private devotions, I enjoyed a season of pure, sweet, and fervent love for Him."

September 8th, Monday. The day after the sacrament of the Lord's supper was administered in our church.—"All the exercises were most happily and effectively conducted. It seemed to me as if I was nearer to my God and Saviour than ever before."

November 5th, Wednesday. On being re-elected to the Assembly.—"For this mark of public confidence I thank thee, O God, who art the Giver of every gift. Enable me to discharge the duties of this public trust with fidelity, and usefulness to my fellow-men. I ask it for the Saviour's sake."

November 20th, Thursday.—"This is the day set apart by the Governor of this state to return public thanks for the mercies of the year. The Lord has crowned the year with many blessings to me and mine. Mrs. Foot, myself, and all our children have enjoyed full health. Our children have behaved well, and given us no cause for unhappiness. They have been attentive to their duties and studies, and made progress in improvement. My own time has been usefully occupied, and beside my regular income, the proceeds of my professional business have been considerable, and enabled me to add something to our property. I have heard and decided as referee a considerable number of actions. My decisions have been acquiesced in, and thus I have been the instrument of settling a large number of controversies. My home has been a happy one the whole year, and our little farm has yielded an abundance in reward of cultivation. My fellow-citizens have again shown their confidence in, and respect for me, by electing me to the Legislature by a very large vote. The greatest blessing of all, however, is the full enjoyment of spiritual privileges. I have not been detained from public worship in a single instance during the year. The services in our own church have been delightfully conducted by our pastor, who has proved a most faithful and able minister. My private and family devotions have been a source of great comfort, and I hope and trust of spiritual improvement. For these and many other spiritual and temporal blessings, I utter and record my sincere and devout thanks."

1857.

This year, like the last, was a very busy one. My time was fully occupied, and nearly in the same way. The only material difference consisted in my profession not occupying so much of my time, and domestic matters and social duties more of it. A reference to my account of that year will give the particulars. No excursion was taken this year for recreation. The small portions of time given to that object were passed at home with my children, mainly in fishing on the lake and in waters in the vicinity of Geneva. In domestic matters this year, I include a pretty active correspondence with my six eldest children. My four oldest sons were away from home nearly all the year, and my two eldest daughters occasionally for two or three weeks at a time; and in social duties, I include visiting with our pastor, the Rev. Joseph A. Collier, the families of our church and congregation.

On Monday, the 5th of January, I went to Albany, and the next day commenced my duties as a legislator, and continued in the discharge of them till the 18th day of April, when the Legislature adjourned. I occupied the same rooms at Congress Hall which I had the year before, and passed my time agreeably. My attention to my duties was unremitting, and my time, if possible, more absorbed by them than during the previous year. The Republican party, to which I belonged, were successful at the election in November, 1856. They elected their Governor, John A. King, and a majority of both branches of the Legislature. I was again chairman of the judiciary committee, and as in the previous year, my judicial and professional standing led to many calls, applications, and labors beyond those rightly belonging to me as a member from Ontario County. I made it a rule again this year, not to be absent from my seat while the house was in session, and to understand and attend to all its proceedings. I was not absent this year a single day during the session, nor out of Albany, except a couple of days in February, when the Legis-



lature took its usual recess in deference to Washington's birthday, and I made a visit to my family. There is so much truth mixed with other stuff in a short article of "The Knickerbocker" (a random, hap-hazard journal, published in Albany) of the 15th of April, 1857, that I append it in a note.\*

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\* Judge Foot of the Assembly is a remarkable man in many respects. He is the most industrious man in the house. He is also one of the most talented and persevering. As a jurist, Judge Foot has no superior in either branch of the Legislature. As a worker, he is scarcely equaled by any man in the state. Judge Foot is always in his place. Some of his opponents run away with the idea that he sleeps in the Assembly-chamber and has his meals sent up from a restaurant. Whether this is so is more than we shall take upon ourselves to pass upon. All we know is, that the Judge is always "on hand"—a fact that causes more trouble to certain sharp practitioners who wish to put leaks into the treasury, than any other drawback they meet with in or about the Capitol. Judge Foot "knows the ropes," and is not to be "sold" on any question. Since the days of "Old Sam Young" there has been no man in the Legislature so difficult to wheedle and humbug. The Judge cannot be "managed." When he takes up a position on any bill, he is as immovable as the Catskill Mountain. This peculiar trait makes the Judge popular with the people, but in the highest degree unpopular with the lobby. Those who wish to get "a good thing" from the state, find in Judge Foot an obstruction which the locomotive "Corruption" cannot overcome. During the whole session Judge Foot has stood like a bulldog at the door of the Treasury, ready to fly upon any seedy gentleman who undertakes to better his fortunes by becoming a bill of expense on the tax-payers of the state. Judge Foot is a man of very superior abilities, and more than the usual quantity of good nature, provided you don't talk of "applying for relief." Should you do that, you must not be surprised, if he informs you that he "wants to see a friend in the cloak-room." The Judge has one other foible. He is a little given to old foggyism, and entertains a respect for "high top-boots," which makes it difficult for him at times to do entire justice to ideas which take their rise from the go-ahead tendencies of any age given to steam engines and low-necked dresses. We have said that the Judge is unpopular with the lobby and sharp practitioners generally. This is so. But while this is true of the lobby and sharp practitioners, the very opposite is the case with the people. Outside of the Capitol, Judge Foot enjoys a reputation which will possibly make him our next Governor. He is a growing man, and what is better, he is growing in the right direction.

The journals of the Assembly contain a brief, but accurate record of my acts as a legislator. I pursued the same course in addressing the house this year that I did the year before, and was rewarded with the same attention.

The Republican members of the Assembly held a public caucus on Monday evening, the 5th of January, to nominate their officers, of which I was appointed chairman. On taking the chair I made a short address, which was well received by a large audience. It was entirely *extempore*, and only an outline of it was reported and published.\*

There were two important measures adopted at this session of the Legislature relating to, and affecting directly, the city of New York, in which I took a deep interest and an active part, though they were presented and conducted before the house by other gentlemen. These measures were the establishment of the Metropolitan Police and the Board of Port Wardens. After the committee, who had charge of the Police bill, had perfected it, they submitted it to me for a careful and thorough examination and the suggesting of amendments. This duty was discharged faithfully and to the best of my ability. I struck out several clauses which might endanger the measure on constitutional grounds, and added others to render it more efficient. The committee approved of my amendments, reported the bill, and recommended its passage as it came from my hands, and in that shape it became a law.

In regard to the Board of Port Wardens, a committee

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\* On taking the chair, Mr. Foot said :—

Gentlemen and Brother Republican Representatives:—Before I take the seat with which you have honored me, I cannot forbear congratulating you on this meeting as one of the happy results of the last election. There has never been an occasion when the people, with so liberal a hand, have exhibited their confidence in any party, as they have in the party with which we, gentlemen, are connected. Most of us have been returned to the positions which we hold, by large majorities. This confidence, so liberally bestowed upon us by our constituents, has imposed upon us an obligation to discharge our duties so as to merit that confidence, and to promote the great interests of the Empire state.

came from the city, and proposed a measure, which would give our political friends an effective party machine to use at elections. Knowing as I did from my professional practice in the city, not only the uselessness, but the positive injury which the commerce of the city suffered from having, as there then were, five different boards of surveyors, each in the interest of the parties who employed them, and knowing the great advantage of establishing in the city an independent and competent board of surveyors, to whom the whole business should be committed, I thought it a favorable opportunity to establish such a board. I drew a law to effect the object. It was introduced by another gentleman, referred to the committee of which he was chairman, and engineered by him with my assistance through the house. It was vigorously opposed by the Democratic party in the Assembly, but finally passed both houses and became a law. In appointing the members of the Board, Governor King made excellent selections, and the Board has proved a great benefit to the commerce of the city.

There were two measures in which I took a public, active, and leading part. One before the Assembly, and the other before both branches of the Legislature. The former involved an unconstitutional legislative practice, which was not important in its consequences, while the latter was of the greatest moment, affected the whole country, and was fraught with the most serious results.

The former is presented in the following report of my speech on the Supply bill, on opening the subject to the Assembly :

“Mr. Foot moved to strike out all appropriations to committees who may have been appointed by either house to sit during the recess. This included the committee to examine the Chancery Fund, the committee to examine the claims of Black River water owners, and the committee to examine the Police systems, &c., of the city of New York.

“Mr. F. was aware that the duty he assumed was an ungracious one, but he deemed it to be a duty. These traveling com-

mittees were a grievance. Last session, every few days propositions were introduced to create such committees. In every instance, he believed, they were voted down. Now, however, we are called upon to pay some \$15,000 or \$20,000 to such committees appointed in 1855. Last winter, he believed, the Committee on Ways and Means refused to report pay for either of these committees. But the original bill was amended in the house, and these objectionable propositions crowded in.

"He deemed all these propositions unconstitutional. No member can receive more than \$300 for his services, unless there be an extra session, or in cases of trial of impeachment. The duties of these committees are, in every sense and form, legislative duties. He could not, therefore, under his oath, vote pay to either of these committees, except to the extent of simply covering actual disbursements.

"The Committee on the Police and Courts of New York was raised by a joint resolution of the two houses. They ask for \$3,000. Toward the close of the last session, a resolution was passed calling for the report of this committee. None was made so late as March 27th, nor until an application was made for pay. Indeed, it was not laid on the table of the Senate in manuscript until 24 hours of adjournment; and yet it is printed as Document 97, and as if sent to the Senate on the 4th of March. How this mistake, if it be a mistake, occurred, he could not say. It may be all right, or it may be all wrong. He was not yet prepared to pass judgment in regard to it. The report contains 11 pages, aside from testimony. Some of its facts are interesting; but they by no means cover all the ground embraced in the resolution.

"He proposed, if the appropriation is now stricken out, to refer the whole subject to a committee of this house to report thereon. The clerk of the committee should have some compensation; but how much he could not say.

"In regard to the Black River committee, he could cheerfully say, that their report is able and valuable. But the committee was not raised by a joint resolution—a fact which rendered the appointment of the committee illegal. The statute is explicit—prohibiting either house, without consent of the other, raising any such committee. This statute was openly violated by the appointment of this committee. The attempt to pay the committee is,

therefore, in the very teeth of the law. The clerk and counsel of the committee, however, should be paid, as proposed. Nor would he object to an appropriation to the committee, to meet all their actual disbursements.

"The Committee to examine the Chancery Fund ask \$3500. That committee was appointed by the Senate, without the concurrence of the house. He knew that a great deal of interest was felt by the public in regard to this fund. But those familiar with this fund receive no light from this report. They knew exactly where the fund was, and that all desired information could be obtained by any one who chose to call upon the treasurers of the several counties. The report made makes 11 pages, but it is only an exhibition of the entries on these treasurers' books. The facts, however, are orderly, correctly, and clearly presented; but he would contract to make thirty just such reports every year.

"In regard to the Building Association, he had only to say that their report contained but very little information. It was raised by resolution of the house only. The clerk of the committee should, perhaps, receive some compensation, but not so large a sum (\$375) as is proposed.

"Having thus discharged this unpleasant duty, Mr. F. would leave the decision of the whole subject with the house."

My motion was made when the house was in committee of the whole, and produced an animated debate. The committee, after some modifications of the objectionable items, reported the bill to the house and recommended its passage. When it came up for action before the house, I moved to strike out the unconstitutional items. The following report of my speech on that occasion will explain my views :

"Mr. Foot now took the floor in support of his amendment, and in reply to the objections from various quarters, insisting that the constitutional and legal positions taken by him had not been answered. They had rather been evaded. His position was, that under the constitution and law, whilst the Legislature had the power to appoint these traveling committees, it could not do this at the public expense. To pay them a compensation would be to pay them more than the constitution allowed a member of the

Legislature to receive, for services as such, during his term of office. The law, framed in accordance with the constitution, prohibited the appointment of traveling committees "at the public expense." These committees, when they accepted their appointments, did so with a full knowledge of the law and the constitution; and therefore, the state was under no legal, constitutional, or moral obligation to pay them compensation. Their disbursements they were entitled to. That was not compensation. What their disbursements were should be the subject of an examination and adjustment, but nothing more. All this would be the subject of consideration, if the items proposed to be struck out were erased from the bill. As to the responsibility of this house for this bill, if it should finally pass, he repelled with warmth the idea that it rested elsewhere than with those who should vote for it."

My motion did not prevail. The bill was passed by both houses and sent to Governor King for his approval. He returned it to the Assembly, where it originated, with his objections, which were founded on the unconstitutionality of the allowances, which I had moved to strike out. His veto was sustained by a very large majority.

This subject attracted a large share of public attention, and added considerably to my position in the Legislature and before the public.\*

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\* ALBANY, February 14th, 1837.

It is too much the fashion of the day to court public favor at the expense of the public good, and I had almost said of private morals. This is so common, that honorable men, in public stations, daily yield to a seeming necessity in regard to measures requiring a compromise of principle that they would denounce and resist in the ordinary business-intercourse of private life. In this way only can we account for the large amount of money that has, during a series of years, been drawn from the public treasury, which, under a strict observance of the constitution and laws, never could have been appropriated.

In this desert waste of base legislation we have at last reached an oasis. The veto by Governor King of the Supply bill, will, I trust, inaugurate a new era.

Our representative, Judge Foot, took the initiative in resisting the passage of that bill in the Assembly, for the reason that it appropriated the public money in violation of the constitution. In this he has ren-

The other measure which I have mentioned, and in which I took a leading and active part, enabled me to render a service to the country of real value, and prevented my life, if I had never done any other beneficial act, from being barren of good to my fellow-men.

By the repeal of the Missouri Compromise in 1854, the subject of slavery had engrossed the public mind, and led to the formation in the following year of the Republican party, the leading principle of which was the confining of slavery to the states in which it existed, and excluding it from the territories of the United States.

The presidential and state elections in November, 1856, showed that the Republican party was advancing to power on the great principle upon which it was founded, and that ere long, and certainly as early as the presidential election in 1860, would obtain control of the General Government. In that state of political parties, an action generally known as the "Dred Scott Case" was pending in the Supreme Court of the United States. On the argument of that case, the counsel had drawn into discussion the legal and constitutional principles sustaining and regulating slavery in this country. The case had been twice elaborately argued, and held a long time under advisement. The decision was looked for by the coun-

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dered a most important service, not only to his immediate constituents, but to the whole state.

Although the bill passed, it is most gratifying that he has been sustained by Governor King, who could not, without ignoring the principles which have characterized his public and private life, do less than he has done in vetoing the bill.

The first impression here among some of the friends of Judge Foot was, that his course in reference to the Supply bill would affect his popularity and usefulness in the Assembly; but he did not stop to count the cost of doing his duty. And so far from lessening his influence, it has greatly increased it.

He has given us a practical illustration of the noble sentiment uttered by H. Clay, when he said "I would rather be right than be President."

OMEGA.

—*Genova Courier*, Wednesday, February 18th, 1857.

try with deep interest and great anxiety. At length it came, and reached Albany on the 8th of March. I read it carefully on the evening of that day. The doctrines, announced by the majority of the court, astonished and alarmed me, and before retiring to rest, I wrote the following resolution, which I offered in the Assembly the next morning :

“Whereas, the Supreme Court of the United States have decided, by the concurring opinions of the five members of that court from the slaveholding states, that slavery may be extended into the territories of the United States, and that neither Congress, nor a territorial government instituted by it, can exclude slavery from them, and which decision has in effect declared slavery to be national, and most seriously impaired the constitutional rights of the free citizens of this state ; therefore,

“Resolved (if the Senate concur), That a joint committee of three members of the Senate and five members of the Assembly be appointed to consider and report what measures (if any) the Legislature of this state ought to adopt to protect the constitutional rights of her citizens against the serious and alarming doctrines of the aforesaid decision.”

This resolution was subsequently earnestly debated and adopted by the Assembly. It was also concurred in by the Senate. During the debate in the Assembly I spoke twice in favor of the resolution. One of my speeches was in answer to objections, and was reported as follows :

“Mr. FOOT:—The gentleman from Queens has asked what we expect to accomplish by this resolution. It has been decided by the United States Supreme Court that slavery was local. Under those decisions the citizens of the free states felt safe. It has been the doctrine from the earliest time, that Congress had the unlimited power to admit or exclude slavery from the territories. This doctrine has been acted upon from 1787 down to the present hour.

“Under the question whether a colored man named Dred Scott had a right to sue in the court (for that was all that was involved), a majority of the court had announced the alarming doctrine that slavery has a right to be preserved beyond state jurisdiction, and



that slaveholders may go into territories in spite of any prohibition by Congress. It may be carried, *nolens volens*, into the territories. This was an alarming and monstrous doctrine.

"The court also decides that the Ordinance of '87 had no force. They also decide that the power to legislate for territories only applied to territories held by the Union when the constitution was formed. This monstrous doctrine shocks every intelligent man. When he said these doctrines were alarming, he meant it. They were alarming, and monstrously so."

"Mr. Foot said, in answer to the inquiry of the gentleman from Queens as to what was designed to be effected by the resolution, that the resolution was only one of inquiry to ascertain what measures this Legislature can and should adopt to protect the rights of the free citizens of this state. The committee will recommend the measures they deem proper. His (Mr. Foot's) views were of little moment, but he could suggest various measures which would be effectual.

"The opinions of the five slaveholding judges, so far as they discussed and attempted to decide questions beyond the one before the court, viz., whether the colored man, Dred Scott, was a citizen of the United States, were mere political harangues, had no judicial authority, and were entitled to no more respect than any other political speech or essay. Besides, they were thrust forward at a time, and under circumstances, well calculated to distract and alarm the country, and for that reason deserve unqualified condemnation; and if they were met and denounced by a convention of the free states of the Union, their mischief might be prevented.

"Again—Congress has power to increase the number of judges on the bench of the Supreme Court, and if the Republican party prevail in the Union they will be able to increase the number of judges, and give a majority on the bench in favor of the Constitution.

"And again—I do not regard an amendment of the Constitution as impossible. Missouri is moving in favor of emancipation; Virginia is being forced to the alternative of bankruptcy or emancipation, and when emancipation is once commenced it will rapidly proceed, and freedom may triumph far sooner than we now anticipate."

My children will see that some words there spoken proved to be almost prophetic.

I was chairman of the committee of the Assembly appointed under the resolution, and Senator Madden of the Senate. When the joint committee met, Senator Madden, who by parliamentary usage was chairman of the joint committee, declined the chairmanship in my favor, and I was appointed chairman of the joint committee. I drew a report, which was submitted to the committee and approved by them, also the resolutions and the law recommended by the committee.

This report was submitted by me to the Assembly, and by Senator Madden to the Senate, on the 9th of April. After an animated and earnest debate, which was closed on the 16th of April, the Assembly, by a large majority, adopted the report, and after amending, with my consent, the first resolution by striking out the words "*Let the consequences be what they may,*" and on my motion the last one, by inserting in the place of the words "*Law above mentioned,*" the title of the act reported by the committee, passed the resolutions and the act as reported.

This report, with the resolutions and law appended, is No. 49 of "Papers Written by me."

It is the most important paper I ever wrote. It was published in all the leading journals of both political parties in the free states, and by all, or nearly all, the Republican journals in the country. It exhibited and directed the attention of the citizens of the free states to the extraordinary and alarming doctrines of the five slaveholding judges of the Supreme Court, and to their unprecedented and reprehensible course in the "*Dred Scott Case.*" It contained the first suggestion of the only remedy in the power of the country for the appalling effects of these doctrines, viz., the power of Congress to increase the number of judges of the Supreme Court, and thus give the free states their fair proportion of representatives in that high tribunal, and thereby guard by future judicial action against a final and permanent establishment of

doctrines which would extend slavery over the whole country, and make us a great slaveholding republic.

I have been an attentive observer of the course of events, and a careful reader of every important speech and publication on the subject of slavery, from the repeal of the Missouri Compromise in 1854, till the close of the war and the great contest in 1865, and I am willing to say to my children, and think I can say with truth, and without arrogance, that no publication, from the opening to the close of the contest, did more than this report, to arouse and direct the public mind to the dangers with which slavery threatened our country and her political institutions, and I now (1870) look back upon it with gratitude to my Heavenly Father, for allowing me to render so great a service in preparing the country for the fearful struggle which followed to abolish slavery.

After the Legislature adjourned, I had many evidences of approval of my legislative acts, and some instances of heartfelt gratitude from persons who had received benefit, or supposed they had, from my efforts. I will mention one of them. I always voted for, and occasionally advocated, liberal grants to our state charities, and probably had advocated and succeeded in obtaining a liberal grant for the Deaf and Dumb Asylum of the city of New York. When in the city in May, I wrote your mother a letter, dated Monday, the 25th of that month, from which the following is an extract :

"I had such an interesting afternoon on Saturday that I feel disposed to put an account of it on paper while it is fresh in my memory. Saturday was a beautiful spring day. This morning is also delightful, and makes me sigh for Mullrose. The party to the Deaf and Dumb Asylum on Saturday were \* \* \* and myself. The ride was charming. All the officers and pupils of the Institution were under the impression that I had rendered the Institution a great service at Albany, and I was treated accordingly. There are about four hundred pupils. We were received on our arrival by a sort of military parade by the boys. After looking over the Institution, all assembled in the chapel. After some exercises by those who had been in the Institution only a few weeks, six—three

young ladies and three young men—who had been in the Institution eight years and were to leave soon, came on the stage, and having been informed who were the visitors, were requested to express their sentiments on the occasion. Each wrote a beautiful composition on the blackboard, naming appropriately the visitors, and particularly me, to whom they expressed warm and grateful thanks. After each was read, I returned my thanks by an interpreter. I was then requested to address the pupils, which I did, one of the professors interpreting by signs. My feelings were deeply interested, and I was never more happy in any public address. The large body of pupils, male and female, listened with the deepest attention. There were many moist eyes, and when I closed an outburst of rapturous applause. When we left, they clustered around the carriage, and every eye was fixed intently on me. I never was more deeply affected, and if you had been present, you could not have refrained from tears, not for sorrow, but from deep, holy, joyous, grateful feelings. Our ride home was pleasant."

While in Albany, your mother, as in the year before, made me two visits—one early in the session, and one near the close of it.

After leaving Albany, my profession took me from home more than usual. I was twice at Albany attending the Court of Appeals—five times at New York, where I was engaged on neither occasion less than eight days, and on two occasions over three weeks—three times at Rochester, and once at Ovid, Seneca County.

I heard and decided this year several cases as sole referee, but not as many as in the year before.

Among my professional engagements this year, there was one of rather an unusual character. I was in the city when the sudden and extraordinary financial panic of this year occurred. All the banks suspended specie payments. By the then existing laws of this state, when a bank became "*insolvent*," it was obliged to go into liquidation under a receiver. The impendency of such a disaster filled the public mind with dismay. Legal proceedings were promptly commenced by a creditor of one of the prominent banks of the city to place it in the hands of a receiver, on the ground that a failure to pay

its notes in lawful money was conclusive evidence of insolvency. It so happened that this bank was one of the banks for which I had been counsel while in active practice in the city, and the officers knowing I was in town, immediately applied to me for advice. In considering the fearful consequences of placing all the banks in the city and state in liquidation, it occurred to me that the "*insolvency*," contemplated by our laws, was an actual and real inability to pay debts, and not a temporary delay of payment, arising from excited and temporary causes. This view of the subject was very earnestly pressed by me in opposition to the application to the court for the appointment of a receiver. It prevailed—was adopted by all our judges, and the community was saved from the disaster of a general liquidation of our banks.

The idea was started of calling an extra session of the Legislature, and by fresh and prompt legislation relieve the banks from the operation of the laws as they then stood. This was deemed unwise after the decision of the courts already mentioned, and Mr. Samuel B. Ruggles and I were employed by the presidents of the banks in the city to go to Albany, present to Governor King their memorial, and enforce their views against an extra session of the Legislature. Mr. Ruggles and I discharged that duty, and on our return to the city addressed a letter to the gentlemen who had employed us, giving an account of our interview with the Governor. It was written by me with the assistance of Mr. Ruggles. As it contains a brief history of the occurrences by which the banks were saved from the dreadful effects of the panic, I give it below in a note.\*

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\* NEW YORK, October 17th, 1837.

*To Thomas Tileston, Esq., and other Presidents of Banks represented in the New York Clearing House.*

GENTLEMEN:—In obedience to your instructions we yesterday appeared before His Excellency Governor King, at Albany, to present your memorial and enforce your views in respect to the proposed extra session of the Legislature.

Our sons, John and Samuel C., were engaged during the year in New York. They made us a visit, however, of a few

The general scope and character of the public views then submitted to the Governor will sufficiently appear in the brief but comprehensive outline reported in the Albany newspapers, and copied this morning in the public journals of this city.

We deem it important, however, to add, that in addition to those broader and more general considerations, we also submitted in detail, the legal, technical reasons necessary to show that the "*insolvency*" of banks contemplated by existing laws and calling for the summary process of receivers and consequent suspension of their corporate functions, was an actual, practical insolvency, in the common sense of the term,—and not a merely technical or constructive insolvency arbitrarily inferred from a momentary or temporary delay in paying all their obligations in coin,—and that the creditors of banks actually solvent, might safely and properly be left in such cases to their ordinary remedy by suit at law.

We deemed it important to show that this view of the case had been explicitly and authoritatively established by the Supreme Court in recent decisions, and also to satisfy the Governor that those decisions had been made in cases in court actually arising, and were in no sense voluntary or extra-judicial.

For this purpose we showed to him that, in point of fact, there had been three separate applications for injunctions and receivers against three different banks, pending before two of the judges of this district—two before one judge and one before another—that those judges having deemed the applications important, called in their associates of this and the Second Judicial District for consultation, as is often done in difficult and important cases; and that the result of their deliberations was a decision by the two judges before whom the applications were pending, denying the motions for injunctions and receivers. This decision was in accordance with the unanimous opinions of all the judges present.

As the community was deeply concerned in the questions thus decided, the judges very wisely and properly stated the propositions on which those decisions were founded, and allowed a report of them to be published.

In this they did no more than has been often done by the old Court for the Correction of Errors and the present Court of Appeals, viz., pass resolutions in important cases of public interest, declaring the principles settled in the case decided, and allow them to be reported and published.

Since the announcement of these propositions, Judge Roosevelt, on the application made to him for an injunction and receiver against the

weeks in July. Alfred was at school in Watertown, Conn., and Lawrence at South Williamstown, Mass. Our two eldest daughters passed the year at home, except when absent on visits. The rest of the children who were old enough, attended school in Geneva.

My religious duties at Albany were discharged in the same way they were the year before, and as I mentioned in my account of that year.

Some extracts from my diary will show my spiritual state, and my progress, if any, in holiness :

Monday, January 5th. On leaving home for Albany.—“Gracious God, be with me and assist me in the discharge of my duties. May I discharge them with a single eye to thy glory, and the good of my fellow-men. I commit my companion, children, and family to thy fatherly care—watch over and preserve them, I entreat thee, and permit me to join them in the spring in peace and safety.”

Thursday, February 12th.—“Yesterday was a most interesting day. The Governor, by his veto message, sustained my course in the Assembly on the Supply bill, and honest legislation triumphed. For this I return thanks to Him who overrules all things.”

Friday, June 5th.—“The day was a happy one. Our daughter Mary communicated her intention to join the church to her mother and me. This was in the forenoon. She had already had an interview with our pastor. My interview with her after her intention was declared was delightful. Hers seems to be a clear

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Bank of New York, has denied the motion, and is preparing, as we understand, his reasons in full for his decision.

After presenting these and other facts and views to the Governor, we respectfully asked for an expression of his opinion on the subject. He was pleased to say, in answer, that he had “listened, with pleasure and advantage, to the reasons presented in behalf of the leading banks of the city of New York,” but that he was not prepared, at present, to do more than to hold the question of an extra session in reserve.

Respectfully, your very obedient servants,

SAMUEL A. FOOT,  
SAMUEL B. RUGGLES.

case of genuine conversion, gradually accomplished. The change has been gradual though perceptible. The work of grace has been single and effectual. Her determination to acknowledge her Saviour openly was stimulated by no exterior influences. It arose from an inward holy purpose, wrought by the grace of God. Her examination in the afternoon by the pastor and elders was happily and beautifully sustained and most acceptable to me."

"O God, I thank thee for thy merciful dealings with me; and especially for drawing my dear daughter into thy fold—complete, I entreat thee, the work of grace so happily begun in her heart, and prepare her for the duties of this life and for thy holy presence. I ask all for Jesus' sake."

MEMORANDUM.—This prayer was answered. She lived in accordance with her profession, and died this year (1870), on the 13th of August, as a Christian wife and mother should, calmly, confiding in her Redeemer, and yielding her life freely to the will of Him who gave it.

Wednesday, July 1st.—"This is the twenty-third anniversary of Mrs. Foot's and my marriage. We have been spared through the mercy of our God to this time, and been permitted to live happily and prosperously. Our children all give promise of usefulness. Indeed, our blessings are without number, and, gracious God, I desire this morning to record my deep and heartfelt thanks to thee for giving me my dear companion, and crowning our union with so much happiness and so many blessings."

Sunday, July 12th.—"I came near being killed yesterday. A plank thrown from a scaffold, erected to repair one of my out-buildings, struck me directly on the top of my head, and had not the end struck the ground so as not to give me a full blow, I should doubtless have been killed. Truly, in the midst of life we are in death. God, I thank thee for preserving my life."

Thursday, November 26th.—"This is Thanksgiving day, and I desire to record my deep and sincere thanks to my Heavenly Father for all his kind and merciful dealings with me and mine during the past year, and especially for the abundance of food yielded by the piece of His earth allowed to me. Gracious God, I commit myself and all dear to me to thy holy and watchful care—pardon my sins and accept of me and mine for Christ's sake."

Thursday, December 17th.—"This is my birthday. I am



sixty-seven years of age. In the eyes of the world, and in fact, I am an old man. Yet through the merciful dealings of a kind Providence, I have not yet felt the approaches of old age. My health is good, my faculties unimpaired so far as I perceive. I acquire knowledge as readily and enjoy its acquisition as much as ever. To thee, O God, am I indebted for all these blessings, and with a grateful heart record my thanks for them. Oh help me to prepare for thy presence, which I must soon enter. I ask it for Christ's sake."

### 1858.

This year was materially different from the two preceding, both in respect to the manner in which my time was employed, and the changes and occurrences in the family. Your brother John, with my aid, had acquired a large practice for one who was only in the second year of his profession. Many of the suits in which he was employed were important, and were no doubt brought to the office under the expectation that I would take an active part in conducting them. To meet this expectation, my presence in the city often, and for weeks at a time, was required. My presence there, engagement in the courts at the hall, and my qualified partnership with Mr. Curtis, brought numerous retainers to me, beside those in suits in which John was the attorney. These various and numerous professional engagements obliged me not only to be often in New York and pass a large portion of my time there, but also to be occasionally at Albany before the Court of Appeals. I made no less than eight journeys to New York, and several to Albany, and passed in those two cities, but mainly in New York, full five months, which, together with two days at Rochester, two at Ovid, Seneca County, two at Watkins, Schuyler County, and time spent in professional studies and investigations at home to prepare myself for arguments at Albany and New York, took far more than half the year. I heard and decided this year only two causes as referee. The

hearing in one of them was at Ovid, and in the other at Watkins.

The only cessation from labor for recreation which I had during the year, beside a day or half a day now and then during the summer spent in fishing with some of my sons, was a visit of a few days near the close of August to my only surviving sister, Mrs. York, at Ogdensburgh. My daughter Mary and my son Thomas were with me. We were absent from home only eight days.

Early in June I went to Newark, New Jersey, to attend a meeting of the General Synod of our church, to which I was a delegate from the Classis of Geneva. I spent eight days there, and took a part in the proceedings. On the invitation of the Hon. Joseph P. Bradley, now (1870) an Associate Justice of the Supreme Court of the United States, I was a guest at his house. My time was passed most agreeably, and I hope usefully.

On the 2d of July, my son, Samuel C., had a hemorrhage from his lungs caused by imprudent lifting, and came home the next day. His brother John came with him. He improved in health, and was apparently getting well. But early in September he took a severe cold from exposure on the lake, and had a return of the hemorrhage. He was quite ill for some weeks. It was decided that he should go West into the dry and light atmosphere of the Western prairies, and having acquaintances in the vicinity of Lawrence, in the state of Kansas, that locality was the place fixed upon for his future residence.

I left home with him on the 21st of September. We went a circuitous route, viz., to Suspension Bridge, through Canada to Detroit, Chicago, Davenport, Iowa, down the Mississippi to St. Louis, by railroad to Jefferson City, from there by boat up the Missouri river to Leavenworth, Kan., and by post-coach to Lawrence. We did not ride by railway at night, and stopped several days at Davenport. Samuel C. grew better daily, and by the time we reached Kansas seemed to be quite well. I left him in the family of a friend, and came directly

home by the way of Leavenworth, Jefferson City, St. Louis, Cincinnati, and Buffalo. I reached home on the 14th of October.

My diary contains a full account of this journey, of the persons met with, and of the interesting incidents which occurred. It proved a fortunate one for Samuel C., for he entirely regained his health.

While in New York and Albany, my time not demanded by my profession was spent in social duties and enjoyments and general reading, and at home, in the same way and in domestic matters, affairs of the church, attention to our children, playing backgammon, drafts, and chess, and riding with them and your mother. She and I rode on horseback quite often this year.

Alfred was examined and entered Union College in July, and in September commenced his collegiate course. Lawrence remained at school in South Williamstown. Robert, Ebenezer and Thomas attended Dr. Reed's school. The other children who were old enough, attended schools in the village.

There remains only one other occurrence of the year to be especially mentioned. That was an important one, and enabled me to render a valuable service to the country in aiding the cause of freedom and the abolition of slavery.

There was in this village an association of gentlemen organized under the name of "The Geneva Literary and Scientific Association," of which I was a member. The Association met fortnightly at the residences of the members, and at each meeting, a member previously designated read a thesis on a subject also previously designated, as I have heretofore mentioned. The Association was to meet at my house on the evening of the 28th of December, and I was to read a thesis.

During the whole of this year, the subject of slavery, and the opinions of the Judges of the Supreme Court of the United States in the "Dred Scott Case," occupied the public mind, and I saw that there was wanted a brief, clear, and fair exposition of that case, free from professional technicalities, for

the general reader and the popular mind. I determined early in November to undertake the preparation of such a paper, and proposed it as my thesis before our Association. It was approved. I devoted a good deal of time, snatched from other duties, to it, wrote it with great care, and read it before the Association on the evening of the 28th of December. It was received with great favor, and the Association, contrary to their usual course, determined to publish it. It was printed in New York in January, 1859, with the following title page :

**An Examination of the Case of DRED SCOTT against SANDFORD, in the Supreme Court of the United States, and a Full and Fair Exposition of the Decision of the Court, and of the Opinions of the Majority of the Judges. Prepared at the request of, and read before "The Geneva Literary and Scientific Association," on Tuesday Evening, 28th December, 1858. By Hon. Samuel A. Foot, LL.D., late Judge of the Court of Appeals. Published by order of the Association. Geneva, N. Y., January, 1859.**

It is No. 50 of "Papers Written by me."

A large edition of it was printed, and copies of it found their way over the country, and especially in the free states. It was noticed and commended extensively by the public journals in those states. A few of those notices by journals in our state are appended to it.

It aided materially to enlighten the popular mind, and prepare it for the great struggle which began two years afterwards, to wipe out the foul blot of slavery from our national escutcheon.

My hours for private and family devotions, for religious reading, for the religious instruction of my children, my manner of spending the Sabbath, my prayers for the preservation of myself, my companion, children, and family whenever I left home, my thanks on my return for such preservation, my prayers for the conversion of my children, have been for years, and have continued to be, so uniform, that I shall hereafter

only mention marked deviations, if any, from them, and special occasions. My children will find in my diary many recorded prayers and thanks to my Heavenly Father which relate to them; also in the correspondence between their mother and me.

December 23d, Thursday. On my return from the city after an absence of some weeks—"I found my family well and happy. To thee, O God, do I return my thanks for thy kind dealings with me and mine. The birthdays of Mrs. Foot and myself have occurred during my absence, hers on the 15th and mine on the 17th instant. God has graciously spared our lives for another year. Would that mine own had been more usefully spent. Father of all mercies, if consistent with thy holy will, permit me and my dear wife to continue instruments in thy hands to bring up the children thou hast given us in thy fear. Spare their lives and draw them to thyself. I ask it for the dear Redeemer's sake."

January 1st, 1859.—"The preceding, with the correspondence referred to in it, shows how I have passed the year. Like the close of every year, I feel my deficiencies, and was a just God to deal with me according to my deserts, I should be driven from His presence and cut off as a cumberer of the earth. But my Heavenly Father is merciful, and in the plentitude of His love bears with me and withholds deserved chastisements. I thank thee, O God, for thy merciful dealings with me the past year; for the preservation of myself, my companion, and our children, for the happiness and prosperity we have enjoyed, and for our spiritual privileges. Wilt thou take me, my companion, and our children into thy holy keeping, and do more and better for us than we can think or ask during the year on which we have entered. I ask it for Christ's sake."

### 1859.

This year varies in several respects from previous years. My professional engagements were almost wholly in the city of New York, and were mainly in causes in which my son John was the attorney, and which were conducted by him and

me. I attended the Court of Appeals at Albany only twice during the year, viz., at the January and September terms, and on each occasion only a few days—in January to argue one cause, and in September, two. These and one day early in September at Rochester, to argue a cause before the Supreme Court, were the only professional engagements I had out of the city of New York. But my engagements there were numerous and important. I made seven journeys to the city and passed one-third of the year there, and while there was constantly occupied. Professional reading and studies at home required only a very small portion of my time in comparison with time thus occupied in previous years.

This year I neither wrote anything for publication, nor made a public address; and the only public duty I discharged, was attending the Republican convention held in Syracuse early in September, to which I was a delegate. My object in attending it was to promote the nomination of my nephew, Henry E. Davies, then a Judge of the Supreme Court, for the office of Judge of the Court of Appeals, and of my friend, Charles G. Myers, of Ogdensburgh, for the office of Attorney General. Both nominations were made, and the nominees were elected at the following election in November.

I allowed myself this year two tours for rest and recreation.

Mrs. Foot and our daughter Mary went with me to New York early in January. After passing a fortnight there, I in business, and they in visiting our relatives and friends, we went to Washington, where we spent nearly three weeks very pleasantly. We met many friends and acquaintances, and made a number of new ones. All were attentive to us. We visited a good deal, and attended several fashionable parties. We also looked at everything of interest in Washington.

My children will find a full account of our visit in my diary.

Near the close of July I left home with my daughters Euphemia and Mary for a tour to the White Mountains in New Hampshire. We went to Rochester and there took a

steamer for Ogdensburgh, where we stopped several days, to visit my sister York and other relatives. From there we went in a steamer down the St. Lawrence, through all the rapids to Montreal. After passing a couple of days there in sight-seeing, we went to the White Mountains by the way of Gorham on the Androscoggin river. From Gorham we followed the Peabody river in a post-coach to the Glen House, where we passed several days. While there we went to the top of Mount Washington. From the Glen House we went round the mountains to the Crawford House and Profile House, at each of which we spent a day. From the latter we went to Burlington, Vermont, and from there through Lake Champlain in a steamer to Ticonderoga, then by post-coach to Lake George. From the head to the foot of that lake in a steamboat, and stopped at the Fort William Henry Hotel. There we passed a couple of days. Then came home by the way of Saratoga Springs and Schenectady. We reached home on the 16th day of August, after an absence of three weeks. This tour was charming. We met at several points agreeable acquaintances. Nothing occurred to mar our pleasure, and every day brought new and additional enjoyment.

A full account of this tour will be found in my diary.

My time at Geneva this year, besides the small part devoted to professional reading and studies, was occupied in social duties, general reading, domestic matters, affairs of the church, instructing my children, riding with them and their mother, and joining them in fishing and other amusements. I heard Alfred recite daily during his vacation in April a lesson in Greek, Latin, and Algebra. At the close of that vacation his mother and I consented to his relinquishing the acquisition of a liberal education, and to his entering a mercantile house in the city to prepare himself for that pursuit. He took his dismission from college on the 29th of April, and commenced the study of German, which he pursued till the end of June, when he went to New York and commenced a clerkship in the mercantile house of which my friend, Wilson G. Hunt, was the principal.

John devoted himself to his profession this year. Samuel C. purchased a small farm in Kansas, and was engaged in cultivating it. Lawrence and Robert E. were at school in South Williamstown, Mass. ; Thomas at Dr. Reed's, and the other children in Geneva.

A couple of extracts from my diary of a religious character will close the account of the year :

Monday, September 5th.—“Spent my Sabbath yesterday as usual in Geneva. We had communion in the morning. The services were delightfully conducted by our pastor. I greatly enjoyed them. \* \* \* Gracious God, help me to live nearer to thee hereafter than I have hitherto done. This I am resolved to do, and oh, give me grace to keep my resolution!”

Sunday, January 1st, 1860.—“The preceding record shows how my year has been passed.

“Were I to be judged by my Heavenly Father according to the standard of Christian duty prescribed in His holy word, His righteous judgment would condemn me, and drive me from His presence forever. I turn from this unhappy view of my condition to my blessed Saviour, and trusting in the atonement he has made for my sins, I hope through him to be forgiven and reconciled to my God and Father. If consistent with thy holy will to spare my life for another year, enable me, O God, to spend it more usefully and more in accordance with thy holy will.”

## 1860.

This year brought with it longer absences from home, a greater amount of professional labor, disappointment in my hopes of the future, and anxiety of mind.

My son, John, when at Geneva in December, 1859, making us a Christmas visit, took a cold, which hung upon him all winter, and produced a constant cough. As spring approached, the cough did not abate, and early in March, having some professional business in Georgia, he went there, attended to the business, and then spent several weeks with some



friends of ours in that state. He returned in April. His health improved by this change of climate and relaxation from business,—still his cough continued, though somewhat less violent. The summer came, and his cough not being any better, he concluded to go West, close up some matters of business for his brother, Samuel C., who left Kansas and came home in June, and then go farther West on to the prairies, and hunt buffalo and other game for a few weeks. This he did. He left for Kansas early in August and returned in September. While West his health improved and his cough abated. But on coming back to the city, his cough returned with increased violence. On consulting a physician, he was advised to leave the city and take up his residence at the West on the prairies. This advice he followed. He left the city near the close of October and passed the winter in Western Missouri.

His illness and absence cast a large amount of professional labor upon me—disappointed all my plans and hopes, which rested on his residence, usefulness, and distinction in the city, and filled me with anxiety.

More than seven months of this year were passed in the city, and the whole time was given to my profession. While there, my engagements took me a few times to Albany, to argue cases before the Court of Appeals, and once to Owego, to argue a cause in the Supreme Court. While at home some portion of my time was also necessarily devoted to professional business, studies, and reading.

Your mother went twice to the city with me, and passed several weeks each time with me there.

My evenings in the city and a large part of my time at home were given to social duties. General reading, domestic matters, instruction of my children, joining in their amusements. The affairs of the church also required and received portions of my time.

Two occurrences this year made inroads upon my time. A store which I owned in the city was destroyed by fire on the 29th day of December, 1859. The re-building of it required

attention, and some of my time during the first four months of the year. On the 2d of May I was attacked by severe illness, and was unable to attend to business during the whole of that month, and only to a limited extent during the month of June. This sickness was so strange and unexpected, that I will give an account of it as entered in my diary in the handwriting of your mother :

Tuesday, May 29th.—“Spent Wednesday the 2d of this month reading, writing letters, and superintending work on my place. In the evening went to lecture with Mrs. Foot. Before going to church felt somewhat unwell, trembled and felt chills, also as if I had a thorn in the second lobe of the middle finger of my right hand. While at church my trembling and chills increased. Soon after my return, excruciating pain commenced in my finger, hand, and arm, trembling and chills increased, with severe sickness at the stomach and violent vomiting. The pain was so severe as to deprive me for a few hours of my reason. Doctor B., who attended me, opened my finger that night, and the next day again in two other places, and the day after in two places more. He also opened my arm near the elbow. From that time to this he has almost daily performed operations on my finger and hand. My arm is now nearly well, but my finger and hand are still in a bad state. The Doctor has removed my finger to the first joint, and to some extent below it, so that if my finger gets well it will be only a stump. A few days after my attack, my general health became good, and has remained so ever since. I have suffered a great deal of pain in the almost daily operations.

“I have been able to read but little, and to do little more than dictate necessary business letters, and give some attention to work going on upon my place. Until within the last two or three nights, my rest has been more or less disturbed.

“This illness has kept me from my duties and business in the city, and will cause me considerable pecuniary loss.

“This dispensation came suddenly upon me, and apparently without cause. The chastisement, I know, is inflicted by my Heavenly Father's hand in mercy and love, and I pray that it may be sanctified to me and mine.

“I am now so much better that I hope to resume my daily

reading and pay my usual attention to the duties I owe my children and family."

The presidential election this year appeared to me to involve, as the result showed it did, our national existence. I did what I could to secure the election of the Republican candidates. Among other acts I presided at two political meetings held in this village—one on the 27th day of July, and the other on the 30th day of October. At the former, it being the first meeting held, and the opening of the political campaign in this section of the state, I delivered a short address which I had prepared for the occasion. It was published; and as it shows my views of that great contest it will be found among "Papers Written by me," being No. 51 of those papers. I also delivered a full address on the evening of the 25th of September, in the city of New York, before the "Young Men's Republican Union." The audience was large and the address well received. It was favorably noticed in the public journals, but I spoke only from brief notes, and on the general topics involved in the contest. There was nothing in it of special interest.

Samuel C. having recovered his health in Kansas, and preferring a mariner's life to farming, came home in June as already mentioned, and after a visit of a few weeks went to sea.

Our daughters, Euphemia and Mary, passed the year at home, each, however, making a visit of several weeks to our relatives in the city and New Jersey. Alfred continued his clerkship in the city. Lawrence worked on the farm. Robert E. and Thomas were at school in South Williamstown, and all the younger children at school in this village.

I had only one brief relaxation from business while in health sufficient to attend to it.

Being able early in June to resume business to a limited extent, I went to the city accompanied by your mother. We did not take lodgings in the city, but went to Millburn, N. J., and staid a fortnight with your aunt Eliza. I went daily to the city. We then went to Weston, N. J., and remained

there with our relatives and friends, Mr. and Mrs. Cornell, till the beginning of July, with the exception of a week which we spent in an excursion to Bethlehem, Pa., where we passed a few days. Your mother, in her youth, spent several years at the "Moravian Seminary for Young Ladies" at that place. She found several of her teachers still living, and had interesting interviews with them. We were there on the Sabbath, and present at one of their "Love Feasts." Your aunts, Eliza and Catharine, accompanied us. Your aunt Eliza was also educated at that Seminary.

I will close the account of the year with two extracts from my diary :

Wednesday, April 25th. On my return home after several weeks of absence in the city.—"I have been prospered in my business; having argued several important causes, and been allowed full health and the full use of my faculties. I thank thee, Heavenly Father, for these temporal blessings, and for thy care over my companion, children, and family during my absence. Nor do I forget, and I desire to record my thanks to thee for the spiritual privileges I and mine enjoy. Pour out thy spirit upon us, and may parents and children all be drawn to thee, and become joint partakers of the redemption purchased by the Saviour for sinful and fallen man."

Saturday, December 29th. After an absence of nearly a month and in my account of the time while away from home.—"On the 15th day of this month Mrs. Foot reached the age of fifty-two and entered on her fifty-third year. On the 17th day of the month I became seventy years of age and entered on my seventy-first year. I have thus reached the age of man. My faculties of mind and body appear to be unimpaired. My health is good and so is Mrs. Foot's. To thee, O God, are we indebted for these blessings, and I desire to express and record my thanks for them."

1861.

The new year of 1861 found me actively engaged in my profession in the city of New York, where I was detained upwards of a fortnight. Five months and a half of this year were occupied in the same way, and I was obliged to make seven journeys to the city. I also went three times to Albany, and was there several days on each occasion attending the Court of Appeals. The hearing of some cases as a referee took me twice to Schuyler County, and three times to Rochester, and altogether took up nearly a fortnight of my time. The rest of the year was passed at home, except a few days in May spent in a journey to Washington, and a few days in November in a second journey to that city.

My time at Geneva, and my evenings when away from there, were employed mainly in the same way they were the previous year. There was, however, this marked difference. This year "The Slaveholders' Rebellion" took head and levied war against the General Government, and thus began the fearful conflict of arms which continued for four years. Feeling that all I had, and all I was, had been acquired, given, and preserved under the protection of our benign Government, I resolved to resist, to the utmost of my power, this wicked attempt to destroy it, and take the life of the nation. My age prevented me from taking an active part in the field, but all my influence and all my money, not needed for the actual wants of my family, were fully and freely given to the support of the Government. Truth, however, requires me to say, in this connection, that I never doubted the final success of the Government, and that the United States would pay back to me all the money, principal and interest, which I was able to lend them.

The deep interest I felt in the contest occupied a large portion of my thoughts, induced me to read more fully than ever before the public journals, and to engage in an active and

extended correspondence to aid and stimulate the efforts of others to aid the Government.

My three eldest sons were of sufficient age to bear arms. While I resolved, and kept my resolution, to say nothing to either of them to induce them to enter, or deter them from entering, the army, and to leave them entirely to their own views of duty, it yet gave unspeakable pleasure to see that they did not hesitate as to their duty, but each one improved the first opportunity to enter the military service of their country, and avowedly to aid in suppressing the rebellion.

Alfred, my third son, though not yet of age, had the first opportunity to move. He was a clerk, as heretofore mentioned, in a mercantile house in the city of New York. He determined at once to help put down the rebellion. His first effort was through his cousin, Captain, afterwards Admiral A. H. Foote, then stationed at the Brooklyn Navy Yard, to obtain service in the navy ; but learning from his cousin, that being a landsman, he would have no opportunity for active service in the navy, and advised by him to join some of the regiments about to be called into service, he joined the Seventh Regiment on the 18th of May, and went with it the next day to Washington. The regiment was relieved from duty, after a few weeks of service, and returned to New York. Alfred, having had no active service, was not satisfied with the little he had done towards suppressing the rebellion, and asked my permission to apply for an appointment in the regular army, intending to resign when the rebellion was subdued. I gave the permission asked. He applied and was appointed a first-lieutenant in the 14th infantry, and ordered on recruiting service.

Early in the spring of 1861, John, having recovered his health, determined to settle at Red Wing, Minnesota, and resume the practice of his profession. He made arrangements for a partnership with a prominent lawyer of that place, but the President's call for volunteers having appeared, he concluded to help put down the rebellion before perfecting the partnership and commencing business. He took a captaincy

and raised a company in the Second Minnesota Regiment of volunteers. Spent the summer at Fort Snelling with his company, and the last part of the autumn and the month of December with his regiment in Kentucky.

Samuel C. returned from sea in July, and immediately determined to enter the navy and help put down the rebellion. He was examined by his cousin, Captain Foote, already mentioned, who considered him qualified for the position of master ; but I thought him too young for such a responsible position, and asked his appointment as master's mate. This was given him on the 1st of September. He was ordered on board the gunboat "Stars and Stripes," and served on her in the waters of North Carolina the rest of the year.

The positions of these sons, correspondence with them, and with others concerning them, engaged many of my thoughts, and required no inconsiderable portion of my time.

Anxious to see how my son Alfred was situated at Washington, and observing that many of the cadets at West Point from the South had proved recreant, resigned and joined the rebellion, I concluded to go to Washington, take my son Lawrence with me, visit Alfred, and offer Lawrence to the Government for a cadetship, though not solicit his appointment, as I was able to educate my own sons. Being in New York, I sent to Geneva for Lawrence. He came on the morning of the 7th of May, and in the afternoon we left for Washington, where we arrived the next day—went to the camp of the Seventh Regiment, and found Alfred well and happy. I called on Mr. Seward, Secretary of State, who kindly arranged a call for me on the President the next day. Taking Lawrence with me I called at the White House the next day, the 9th of May, a few minutes before 1 o'clock P.M. Mr. Lincoln expected me, and received me kindly. We had just commenced conversation when Secretaries Seward, Chase, Cameron, and Smith, and the Attorney General Bates came in. Mr. Lincoln said to me, "Please excuse me, Mr. Foot, for a few minutes." What followed is an incident of interest in the great struggle upon

which the country was then entering. I will give it exactly as it occurred :

Mr. Lincoln said :—"Gentlemen, something has occurred this morning, which I am in doubt about, and I have asked you to call and give me your views. Senator Chandler has been here this morning, and says, there are five thousand men in Michigan more than her quota, organized and armed and anxious to enter the public service to put down the rebellion. There are in the other states twenty thousand more in the same condition. Now what shall we do with these twenty-five thousand men? Shall we disappoint them and send them home, or shall we gratify them and take them into service? We must not forget, they are a part of the people on whom we are to rely." This led to a full discussion of the state of the country, the probable strength and duration of the rebellion, and the number of troops which would be required to subdue it. Among other suggestions which were considered, was the issuing of another proclamation calling for twenty-five thousand more troops. This was not approved, as it would look as if the Government were alarmed, or bragging. Mr. Chase, Secretary of the Treasury, in addition to other views which he presented, remarked, "That there were no funds provided for the payment of these troops, and Congress might hesitate to provide for more than the seventy-five thousand already called for." Mr. Seward, who had taken no part in the discussion, but had sat listening attentively to it, finally said, "Suppose the Secretary of War just quietly takes them into the public service without anything being said about it. If they are not wanted, and the rebellion is put down without them, Congress will no doubt freely pay them; and if they are wanted, then all will be glad they are on hand." This suggestion was approved and acted on, and has never been alluded to, so far as I have observed, in any public journal or document. For myself, I regarded it as strictly confidential, and never mentioned it till several years afterwards.

One thing I noticed in this discussion, which gave me the highest gratification, and that was, that while Mr. Lincoln



only now and then made a remark, the remarks he did make showed a reach of intellect, a comprehension of the condition and wants of the country, and a knowledge, which seemed intuitive, of the measures which true policy required, far beyond those of any member of his cabinet, who took a part in the discussion ; and when I left the White House that day, I felt a perfect assurance, that the country was in safe hands.

Another incident also occurred, which raised Mr. Lincoln in my estimation.

As soon as Mr. Seward's suggestion was adopted, several of the gentlemen left ; but General Cameron, the Secretary of War, remained. I was acquainted with him, and thought it a convenient and favorable opportunity to mention my object in bringing Lawrence to Washington. I did so. He looked at Lawrence, spoke to him, and turned to Mr. Lincoln and said, "Judge Foot has brought one of his sons here, and would like to have him sent to West Point in the place of some of the rebels who have left there. There he is (pointing to Lawrence)—a bright-looking chap—suppose you give him the appointment at once." Mr. Lincoln thought for a few seconds and then said, "There are a number of pressing applications for West Point. I have partly promised some of them. I must think of this, but will remember it." He then called his secretary and told him to take Lawrence's name, age, and address, and place him on the list of candidates for West Point. I afterwards saw General Totten, the head of the Engineer Corps and of West Point under the Secretary of War and President, and found there were a large number of applications for appointments of cadets, certainly more needing, and probably more deserving, the favor of the Government than mine for Lawrence. This showed how thoughtful and just Mr. Lincoln was, in the discharge of every duty.

The Second Minnesota Regiment having been ordered to Kentucky, my son John, as well as myself and his mother, was anxious about the effect on his health of the exposure of a winter's campaign in the humid and variable climate of Ken-

tucky. At his request I went to Washington in November to obtain his transfer from the volunteer to the regular service, and an order to place him on duty for the winter in a more favorable climate. General Cameron, the Secretary of War, regarding my request as reasonable, was willing to grant it, but there was no vacancy in the regular army above a lieutenantancy. This he offered my son, but fearing John would not be willing to accept a lower grade I declined it, and the more willingly, because the Secretary kindly offered to give him the first vacant captaincy which occurred. But as the sequel will show, none occurred in time to relieve him before an impending battle rendered it impossible for him to withdraw honorably from his regiment.

I discharged a few duties this year of a public character.

Judge William Kent, the only son of the distinguished jurist, James Kent, died early in January. A meeting of the bar was held at the City Hall, in the city of New York, on the 12th day of that month, to testify their sorrow for his death, and their love and respect for his memory. My presence in the city, and intimate relations with him in life, being known to the members of the bar, I was requested to second the adoption of the resolutions to be offered, and deliver an address. I did so, and wrote the address before delivering it. It was published with the proceedings of the meeting, and is No. 52 of "Papers Written by me."

Early in June, the congregation of our church determined to raise our national flag over it. A handsome one was procured and a flag-staff erected on the roof. On the 4th of June a large meeting assembled in the street adjoining the church, to take part in and witness the transaction. I was appointed chairman, and on taking the chair delivered a short address. It was written, and with the other proceedings of our meeting published in our village paper. It is No. 53 of "Papers Written by me," and shows my views and feelings on the great conflict into which the country had been drawn by the rebellion.

I also presided at a meeting held in this village on the evening of the 24th of August to stimulate efforts in favor of

maintaining our national Union. The meeting was addressed by Senator Pomeroy of Kansas. I made a short *extempore* address on taking the chair.

Our daughters, Euphemia and Mary, spent the year at home, with the exception of a visit or two made by each of them to our relatives in New York and the vicinity. Mary also spent a few weeks in August with some young friends in Litchfield, Conn. Lawrence pursued his studies at home till September, when he entered a classical school at Peekskill. Robert E. worked on the farm. Thomas and George were at school at South Williamstown, Mass. The younger children attended schools in Geneva.

An extract or two from my diary will close the year :

Monday, July 15th.—“Last evening had evidence that one of my sons, Robert E., was touched by the Spirit of God, and about to turn to the Saviour. O God, I thank thee for this special favor—perfect the conversion of this dear son, I entreat thee.”

Sunday, December 15th.—“This is Mrs. Foot’s birthday. She is to-day fifty-three years of age, is in full health, and the enjoyment and use of all her faculties. I thank thee, O God, for her spared life and health, for the precious gift of her companionship, and the happy life we have been permitted to live together.”

Tuesday, December 17th.—“This is my birthday. I have attained the age of seventy-one years. O God, how good thou hast been to me. I can only record my gratitude and thanks.”

## 1862.

This was a year of bereavement and mourning. My two eldest sons died in the service of their country—one in the army, in the month of March, the other in the navy, in the month of June.

Before giving an account of their deaths, it seems proper, that in a history of myself and my family, the positions which these sons and I held before the public should be stated. These will most correctly appear by giving extracts from a

couple of the public journals of the day, similar notices of us having appeared in several others :

"Hon. S. A. Foot, an old and influential citizen of our village, has three sons in the present war. One was captain of a company in the late battle of Somerset, in Kentucky, and had two men in his company killed, and two wounded. Another son accompanied the Burnside Expedition, while the third is engaged in this village in recruiting men for the regular army. Mr. Foot has given liberally of his money in support of the cause, and now freely offers his children on the altar of his country."—*Geneva Courier*, Wednesday, February 5, 1862.

"The venerable Judge S. A. Foot, of Geneva, has three sons in the war battling for the Union. The eldest, John, is captain of company I, 2d Minnesota, and was in the hottest of the fight near Somerset. The whole regiment was complimented by their commander, for their gallantry 'during the severe and close engagement in which they took part.'

"The second son, Samuel C., is master's mate on board the gunboat Stars and Stripes, flag-ship of the Second Naval Division in the battle of Roanoke island. He discharged the responsible duties of signal officer during the fight—a position requiring great coolness and courage.

"The third son, Alfred, went out with the famous 7th Regiment, on the opening of the war, and was subsequently appointed first-lieutenant in the 14th regular infantry. He is fully imbued with the patriotic spirit of his brothers. It is an honor to be the father of such sons."—*New York Commercial Advertiser*, Tuesday Afternoon, March 4.

"We mentioned the other day, soon after the battle at Somerset, Ky., that our fellow-citizen, the Hon. S. A. Foot, besides giving his money freely, had three sons in the present war.

"The oldest, John Foot, is captain of company I in the 2d Minnesota volunteers, and was in the hottest of the fight near Somerset. The loss of the regiment in that battle was twelve killed and thirty-three wounded. Captain Foot's company lost two killed and two wounded, one the second-lieutenant. Col. Van Cleve, in giving his report of the battle, states that his entire command (2d Minnesota) did its duty 'during the severe and close

engagement in which they took a part.' Col. McCook, acting brigadier, in his report states that the 2d Minnesota were within ten feet of the enemy, and at first the contest was 'almost hand to hand—the enemy and the 2d Minnesota were poking their guns through the same fence at each other.' There are very few instances on record in which officers and soldiers have shown an equal amount of bravery. The rebels could not stand before it. Since this battle and the victory won, Captain Foot has been ordered to Minnesota to recruit for his regiment, which has been reduced by sickness and loss in battle.

"Judge Foot's second son, Samuel C. Foot, holds the position of master's mate on board the gunboat Stars and Stripes, commanded by Captain Reed Werden. This vessel has been the flagship at Hatteras Inlet for some months past. On the arrival of Gen. Burnside's Expedition, it was attached to it, and was the flagship of the Second Naval Division in the late battle at Roanoke Island. Mr. S. C. Foot was entrusted with the responsible position of signal officer during the late battle. This speaks well for him. To do the duties of that station requires a cool and clear head. The officer filling it must have his thoughts about him and his nerves steady. He must carefully watch for the signals made, report them to the captain, return the answer, and make the signals as directed. As we understand the matter, no position on the ship is more exposed, or requires a higher degree of courage.

"The Stars and Stripes did good service in the late battle. The correspondent of the New York Commercial Advertiser gives the following account of the part this vessel performed:

"The Stars and Stripes was engaged six hours, and came as near the battery as her draft would permit. She once ventured too close and grounded, but succeeded in steaming off. At one period of the engagement she was situated between the gunboats of the enemy and the battery, and her entire armament was actively engaged. From her gun-deck she threw 8-inch shells from two 64-pounder guns on each side, while her 20-pounder Parrot gun and two rifled howitzers on the upper deck poured in their fire. A shot cut one of the stays and another passed between her masts. While the Stars and Stripes was aground for two hours, she kept up a constant fire, and received the fire of the battery.

Her officers behaved in the most cool and courageous manner, proving themselves worthy the cause they defended.'

"The Judge's third son, Alfred Foot, left his position in the store of Wilson G. Hunt, Esq., in the city of New York, in April last, and joined the famous 7th Regiment of that city the day before it started for Washington to protect the Capitol. He took a part in the arduous labors performed by that regiment on its way to Washington. Not satisfied with the short service of six weeks performed by that regiment in quelling the rebellion, he applied for an appointment in the regular army, and was appointed a first-lieutenant in the 14th Regiment of Infantry in June last. He has been and still is engaged in recruiting for that regiment, and has been very successful. The regiment has now over twelve hundred men, and Lieut. Foot soon expects to be called into active service. If he is not summoned to the field soon, he will have no chance to do the effective work which his older brothers have.

"We confess to no small degree of pride in numbering among our villagers the Judge and his sons."—*Geneva Courier*, Wednesday, February 19, 1862.

The Second Regiment of Minnesota volunteers formed a part of the army operating in Kentucky, during the winter of 1861-2. The battle of Mill Spring was fought on the 19th day of January, 1862. The Second Minnesota, as already mentioned, took an active and conspicuous part in that battle. This regiment was ordered into action early in the morning before taking breakfast, and was without food all day. After the battle the Union army pursued the retreating rebels several miles, and until they reached their intrenched camp. The Second Minnesota lay on their arms before it all night in a heavy, cold rain. Finding the next morning that the rebels had abandoned their intrenchments, the regiment returned to their camp which they had left the morning before.

John wrote a letter to his mother on the 21st of January giving an outline of the battle, and concluded by saying, "I am pretty well worn out with the excitement and the march." The sequel showed, that the exposure and fatigue of the win-

ter campaign in the humid and variable climate of Kentucky, with the excitement and fatigue of the battle, and the exposure in the rain the night after it, had entirely prostrated his health. He reached home on the 1st day of March, and died on the 13th day of that month.

His life, death, and character rendered him in my judgment a suitable subject for a memorial. I prepared one, which contains a full account of his education, life, death and burial.

It is No. 54 of "Papers Written by me."

Samuel C. remained on board the gunboat Stars and Stripes after the battle at Roanoke Island. This vessel was present and assisted at the taking of Newbern, N. C., on the 14th of March. Samuel C. discharged the same duty on that occasion, that he did at the battle of Roanoke Island, and a few days afterward was ordered to the gunboat Whitehead as executive officer—a promotion earned by his good conduct on the Stars and Stripes.

The Whitehead was sent to Elizabeth City, N. C., and kept on duty there. Early in May, Samuel C. was taken very ill with a typhoid fever, and removed to the naval hospital at Newbern, N. C. We heard of his illness on Sunday, the 18th day of May. On Wednesday, the 21st of May, Euphemia and Alfred left New York for Newbern by the way of Baltimore and Hampton Roads, with letters from me to General John A. Dix, who commanded at Baltimore, and General John E. Wool, who commanded at Fortress Monroe, both my friends, asking them to aid my son and daughter in reaching their sick brother at Newbern; also with an order from Secretary Wells of the Navy to the flag officer at Hampton Roads to forward them to Newbern by the first opportunity.

Fearing Alfred and Euphemia might meet with detention on their route, which they unfortunately did, and having an opportunity on the 23d of May to go with Governor Stanley, an acquaintance and friend, direct from New York to New-





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Your aff. son  
*John Hook*



bern on a Government steamer, I availed of the opportunity, and reached Newbern on the evening of the 28th of May. Found my son very ill with a raging fever, and in an indifferent naval hospital. Removed him the next day to a private residence, where he had good nursing and suitable food. The surgeon in charge of the hospital, and also the surgeon of the squadron then lying at Newbern, were both attentive and kind. Samuel C. had from them the best remedies and medical advice. He improved rapidly. The fever subsided in two or three days after his removal.

An opportunity offering for a passage direct from Newbern to New York on Saturday the 31st of May, the surgeons consented to my taking my son home, and we left in the afternoon of that day for New York, where we arrived on Tuesday afternoon the 3d of June, just in time to reach Millburn at the close of the day, where your mother was waiting at your aunt Eliza's to receive us.

I remained there a few days, going each day, however, to the city to attend to business.

Samuel C. though still very ill, continued to improve in health, and was so much better, that on Monday the 9th of June, I concluded to come home, where my presence was needed after so long an absence.

In the evening of the day I left for home, Samuel C. had a relapse, and on the day after my arrival I received a telegram that he was failing fast and requesting my immediate return. I reached Millburn on Thursday the 12th of June, just in time to see my son draw his last breaths.

I find among the family correspondence of this year, an account in his mother's handwriting of the two last days of his life. I insert it, as it illustrates one phase of his character. For while he was cool, and brave to a fault in times of peril, he was sensitive, gentle, and affectionate in all his social relations.

The following is the account, and in the very words of his mother :

"He joined with his mother in singing the following hymns with his dying breath, and when he could no longer speak the words, his voice still kept the air:

" 'There is a fountain filled with blood—'

" 'What is life? It's but a vapor—'

" 'Rock of ages, cleft for me—'

When asked if he loved the Saviour, he replied, 'Yes, I do love the Lord Jesus Christ with all my heart, and though I have been a great sinner, I feel sure he has forgiven all my sins.' He said he loved Christ's Sermon on the Mount, and asked to have it read to him repeatedly. On being told he would soon be in heaven, he said, 'Yes, and I will see John there.' During the last two days of his life, he constantly repeated this prayer, 'God be merciful to me a sinner, for Jesus Christ's sake.' A short time before his death, he put his arms around mother's neck, kissed her repeatedly, and said, 'Oh, dear mother, no tongue can tell the love I have for you! May God bless you, my dear, dear mother, for ever and ever—Amen.' The morning of his death he asked Aunt Euphemia to read to him, and on her taking up a small Testament, he said, 'No, no, take mother's Bible.' Some fifteen minutes before his death, he felt his own pulse, to see if it was still there, he said. He mentioned all his brothers and sisters; and told mother she must take care of his dog Jack, for his sake. He was so grateful for the slightest favors, and thanked his Uncle Lawrence and Aunt Euphemia for all their kindness to him."

Mrs. Foot, myself, and our daughter Euphemia left Millburn with the remains of this dear son the day after his death, and reached home the next day. His funeral took place the next day, Sunday, the 15th day of June, which was his birthday.

An account of his death, the funeral services, and of some incidents of his life, was published in our village paper. Though not written by me, the proper place for it in this history of myself and family would seem to be next to the memorial I prepared of his brother. It will be found as No.



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 b. 0.15  
 c. 0.015  
 d. 0.0015

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Samuel Foot.

Your aff. son  
Samuel Foot.





55 among those papers. His death and character were also favorably noticed in several other public journals.\*

The sickness and death of these sons brought deep sorrow upon me, their mother, brothers and sisters. Their removal from our family circle occupied many of my thoughts, and with the correspondence arising from it, and preparing the memorial of John, took a considerable portion of my time. My profession, however, this year, as in previous years, required and consumed the principal part of my time. It obliged me to make five journeys to the city, and occupied me there nearly three months in all. It took me once to Albany to argue a case in the Court of Appeals—twice to Rochester, to argue cases in the Supreme Court, and upwards of twenty times to Canandaigua, where I passed that number of days in conducting an important investigation for the American Bible Society respecting the validity of a will, which gave over fifty thousand dollars to that and other kindred institutions.

My time at Geneva this year was passed as in the few previous years, with only this difference—my correspondence this year was more active and extensive, and my thoughts more engrossed by the condition of the country and the fearful conflict in which we were engaged.

I had only two brief cessations from business and duties at home.

My sister Mrs. York being seriously ill in the forepart of

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\* Died June 12th, at Millburn, N. J., Samuel C. Foot, master's mate, U. S. N., aged 24, second son of Hon. Samuel A. Foot, of Geneva, N. Y. The deceased received a naval education, and served with distinction as signal officer on the gunboat Stars and Stripes in the battles of Roanoke and Newbern. While acting executive officer of the steamer Whitehead, at Elizabeth City, N. C., he was attacked by typhoid fever, from which he convalesced sufficiently to leave the hospital and accompany his father from Newbern to New York, but died, unable to continue his journey to the home where his gallant brother, Captain John Foot, of the Second Minnesota Regiment, breathed his last a few weeks previously. The deceased was brave, generous, kind-hearted, and beloved by all who knew him.—*N. Y. Evening Post*, Friday Evening, June 13, 1862.

July, your mother, Mary and I went to Ogdensburgh, and staid there and in the vicinity eight or ten days—and early in September your mother and I went to Avon, and spent three days with your uncle and aunt Clark, who passed the warm season there.

Our two eldest daughters were at home this year, with occasional absences already mentioned, and short visits to relatives and friends. Alfred continued in the army, and in December was allowed, at his earnest request, to join his regiment for active service in the field. Lawrence entered Columbia College early in October. Robert E. and Thomas were at school in Peekskill, George at South Williamstown, and the younger children in Geneva.

I was able to do but little this year to promote the public good.

A leisure hour, one evening, while in the city near the end of February, was occupied in thinking, what could be done for, and with, the liberated slaves. I put my thoughts on paper and sent them to "The Commercial Advertiser." They were published on the 1st of March. This paper is No. 56 of "Papers Written by me."

In July we determined in this village and the vicinity to raise a regiment of volunteers, and designated one of our most valued citizens as the colonel. A question arose as to the location of the camp. The race-course, not far from my residence, was proposed. This appeared to me to be a very unsuitable location. I wrote and had printed a circular containing the objections to the race-course, and caused it to be distributed. It is one of the occurrences of the times, and shows how deeply every one was interested in every part of the great work of subduing the rebellion. It is No. 57 of "Papers Written by me."

As the President's promised proclamation on the 1st of January, 1863, liberating the slaves in the rebel states, was expected, the measure occupied the public mind—its effect was extensively canvassed, and many people in this section of the state expressed an apprehension of being overrun by the blacks

of the South. To quiet this apprehension, I wrote an article for our village paper, which was published on the 29th of October. It is No. 58 of "Papers Written by me."

Towards the close of this year, some earnest Union men feared that the President might not issue the promised proclamation of freedom on the 1st of January. I did not share in this fear, yet thought it would do no harm, and might perhaps do good, to write to the President. I did so. A copy of this letter is No. 59 of "Papers Written by me."

"The Geneva Literary and Scientific Association" met at my house on the 30th of December, on which occasion I read an essay on "citizenship" in this country, which I took considerable pains to prepare, and in which I reviewed an opinion of Attorney General Bates, given and published a few weeks previously, on the question, "What Constitutes Citizenship," and on "The Rights of Citizens." My essay was not written out in full, and outlines of it only have been preserved. The late amendments of the Constitution of the United States have settled all questions of this kind, and previous discussions of the subject are now of little or no value.

A few extracts from my diary will close the account of this year of bereavement and sorrow :

Thursday, March 13th. The day of John's death and a few hours after it occurred.—"His death is a great loss. He was all parents could reasonably desire in a son. He was well educated, a correct and ready writer, a promising lawyer, a dutiful and affectionate son. O God, we know that thou art just, holy, benevolent, merciful, and kind. Thou gavest and thou canst take away. Thou dost not afflict except for wise and beneficent ends. Help me to say in the true spirit of submission 'Thy will be done; blessed be thy name.' O Heavenly Father, dear Redeemer, take the spirit of this dear son to thy bosom in heaven, and let him enjoy thy presence forever. May this dispensation of thy Providence be sanctified to me and mine. I ask it for Christ's sake."

Saturday, June 14th. After reaching home with the remains of Samuel C.—"O God, sanctify this dispensation of thy Providence to me and mine, and let the deaths of my two eldest sons

raise me from the world and prepare me for heaven ; and O God, let these heavy sacrifices not be in vain—may this dire rebellion be suppressed, and this dreadful sin of slavery be swept from our beloved country.”

Thursday, November 27th.—“This day has been set apart for public thanks to our Heavenly Father for his merciful dealings with us during the past year. Although thou hast laid thy hand, gracious God, heavily upon us during the year, yet thy judgments have been mingled with many mercies, for which I desire to record my sincere thanks.”

Wednesday, December 31st.—“Thus another year of my life has been spent. O God, forgive my shortcomings in duty. I ask it for Christ's sake. Help me to pass the next year better than the last. Spare me and mine, if consistent with thy holy will, and lift thy chastising hand from my beloved country, and give us freedom and peace. Set the bondman free, and make us a united people.”

### 1863.

This year was one of deep interest to the country, and especially to me. The Government was making the most strenuous efforts to suppress the rebellion. The contest had laid two of my sons in the grave, the third one was in active service, and the fourth one entered it, and performed a short term of severe and perilous duty.

A few quotations from the correspondence of Mrs. Foot and myself will show my feelings and views at that time on that momentous contest. I was in the city the greater part of the month of May. Expecting some money out on bond and mortgage would be paid in early in that month, Mrs. Foot and I had some conversation before I left home respecting the manner of re-investing it. In a letter to her of the 5th of May, I say—

“Mr. C. paid the mortgage yesterday, and to-day I have loaned ‘Uncle Sam’ seven thousand dollars for twenty years, at six per cent. interest, payable semi-annually, with liberty to pay it off in specie in five years. My thought was this—All I am and have

came from and under his just and good government, and he is now entitled to have all I have and am—my life, the lives of our sons, and all my property, if he wants it. If he can never pay it back to me, he is welcome to it. But I have no doubt he will pay the interest punctually in specie, and the principal when it is due." On the 7th of May, Mrs. Foot wrote in answer to this thus: "I don't feel quite as liberally disposed as you do towards 'Uncle Sam.' He has done no more than his duty, and we have done ours; so, while we share the loaf, and perhaps give him the largest share, I would not give him all. It may be want of patriotism, but those uneducated little children are first in *my thoughts*." I replied on the 9th of May in the following words: "I thought of the uneducated little ones, when I gave the money to 'Uncle Sam.' My duty to them is ever before me. But what is education good for, if 'Uncle Sam' is destroyed. When he dies, I want to be buried myself, and all I love with me."

The practice of my profession this year, as in previous years, was my principal occupation. My engagements in the city, however, kept me there this year only a couple of months. I went three times to Albany to argue cases in the Court of Appeals—once to Rochester to argue a cause in the Supreme Court—and thirteen times to Canandaigua, where I passed as many days in continuing and completing the investigation mentioned in my account of last year, and which was brought, in October, to a successful conclusion for my clients, the will in question being fully sustained.

A case was pending and to be argued at the June term of the Court of Appeals, involving the constitutionality of the act of Congress authorizing the issue of the Legal Tender Treasury Notes. The Government was so deeply interested in this question, that although not a party on the record, the Secretary of the Treasury deemed it proper to employ counsel, to sustain the validity of these notes. Mr. D. D. Field, of New York, was first, and I afterwards, retained on behalf of the Government. As other counsel were employed by the parties to the action, and would deliver oral arguments, the court suggested that the counsel for the Government should

print their arguments and hand copies to the Judges. This was done. My argument was merely a supplement to Mr. Field's, and so intended. I gave his and my own, however, additional weight, by appending to mine, the opinions of several of our most prominent bankers and financiers, of the absolute necessity of such a currency to carry on the war.

My argument is No. 60 of "Papers Written by me."

A serious error prevailed in regard to the power of the Government under the Constitution to confiscate the real estate of rebels. Professor Wilson of this village and I, early in March, began an examination of the subject, he performing the main labor, and I assisting him. The result of our examination was presented in the form of two letters—one, and the principal one, written by the Professor and addressed to me—and the other, written by me and addressed to the Professor. I took them to Albany early in April, and had them printed in pamphlet form. They were extensively circulated by sale and otherwise, and attracted a large share of public attention. The first impression was soon exhausted, and a second one called for. In the meantime I had pursued the investigation of the subject, and with the Professor's aid had prepared some Addenda. These were printed with the second impression. The pamphlet reached, in greater or less number, all the loyal states, and corrected the error, as is believed, which prevailed on the subject.

It will be found among "Papers Written by me" as No. 61, together with notices of it by some of the public journals.

Beside my letter in this pamphlet and a pretty active correspondence, I wrote nothing this year, to aid in the great conflict in which the country was engaged. I presided at two Union meetings, held in this village to promote the objects of the war—one on the 19th and the other on the 24th of October, and on each occasion made a short address on taking the chair.

My time, while at Geneva, was occupied this year in nearly the same way it had been in the preceding years. If there

was any difference, it consisted in devoting, this year, more time to professional business, studies, and investigations.

Independent of absences to meet professional engagements, I was from home only twice during the year. One of these occasions was a visit, early in June, to Washington, and to Alfred at Falmouth, Va. The object of my visit to Washington was twofold—one, to have an interview with the President and other prominent gentlemen, to carry out the views presented in the pamphlet of Professor Wilson and myself—and the other to ask that Alfred be placed on detached duty, supposing him not to be well, which, however, was a mistake, and I did not make the request.

After an interview with the President, several members of the cabinet, and other gentlemen holding high official positions, respecting the confiscation of the real estate of the rebels, I asked Mr. Stanton, the Secretary of War, for a permit to pass the lines of the army and visit my son at Falmouth, Va. This he promptly granted, and, unasked, added a kind letter of introduction to General Hooker, who then commanded the Army of the Potomac.

I left Washington for Falmouth on Friday morning the 5th of June on a Government steamer, which took me to the mouth of Acquia creek. From there I went by railway to within a few miles of Falmouth. There I learned that General Sykes' division of regulars, in which Alfred was, had the day before moved nine miles up the Rappahannock to Banks' Ford. There was no sort of a conveyance to that place to be had, nor anything moving in that direction, except four-horse supply-wagons, and they loaded so full, that, it was said, there was not room enough in one of them for a cat. So two officers, belonging and bound to the same division, and I, put our satchels in the wagons, and started on foot. After walking about two miles, the heat and the dust drove me to an effort to get a ride in one of the wagons. In this I succeeded, and reached the supply station of the division about sundown. I was then several miles from Alfred's regiment, and to it there was no road nor track, except through fields and forests.



Hiring a soldier to guide me and carry my satchel, I started on foot. In about forty rods we passed General Sykes' tent. I called to pay my respects to the General—was kindly received and furnished with a horse and sergeant to carry and accompany me to Alfred's tent. On reaching it, I found he was a mile off on picket duty for the night—went to him, found him in robust health, and spent the evening with him. The rebels were in plain sight on the other side of the river. Although the headquarters of the army were thirteen miles from Banks' Ford, I concluded to call on General Hooker. One of Alfred's fellow officers loaned me a horse, and I rode the next day thirteen miles through and among the encampments of an army of one hundred thousand men. This was to me a new and great sight. General Hooker received me most courteously and kindly. On his invitation I staid to dinner. Our views so entirely accorded, that we soon became warm friends. I spent a charming day with him. He produced his order book, and showed me how it happened that the army received a check at Chancellorsville. After listening to his statement, from which it appeared, that the check arose from inattention to his orders, I answered in nearly and almost exactly the following words: "Dear General, the great Commander-in-Chief above, who orders all things on earth and in heaven, does not intend that this rebellion shall be suppressed without the aid of colored soldiers. Since the President's proclamation, there is only one thing more needed to render slavery hereafter in this country impossible, and that is, to teach two or three hundred thousand of our colored men the use of arms. If you, with your white soldiers, had conquered Lee, the opposition to enlisting colored men would have prevailed. Now all agree, we must call two or three hundred thousand of them to our aid. When that is done, and they are taught the use of arms, the abolition of slavery will be effectually accomplished, divine justice will be satisfied, and a merciful God, who has used this rebellion to effect this holy purpose, will allow us to conquer the rebels and end the war."

A pleasant ride at twilight to Alfred's tent closed an interesting day.

I passed the next day (Sabbath) with Alfred most happily, and returned to Washington on Monday. A military friend invited me to join a party, who were going the next day (Tuesday) on a Government steamer to Mount Vernon. I gladly accepted the invitation, as I had never visited that sacred spot, having never been willing to go there while it remained in a neglected and dilapidated state. It was then (1863) owned by the Ladies' Association, and in fair repair. The party, whom I met on the steamer, consisted of agreeable ladies and gentlemen, and I passed a delightful day—walked alone on the grounds—stood by Washington's tomb—recalled the history of his life—gave in my heart, and being alone, expressed in words, profound and devout thanks to God, for giving the nation such a man at such a time, and felt and expressed my gratitude for the blessings I had enjoyed under the Government he had been so instrumental in establishing. I purchased a rough stick from a tree which had grown on the place, had it afterwards made into a cane, which I now (1871) use, and intend to use as long as life lasts.

This trip took only eleven days of my time, and was full of interest from first to last. My children will find in my diary a full account of it, and of the persons I met and visited.

The other occasion of my absence from home not on business, was a visit of a few days which Mrs. Foot and I made near the close of September to our brother and sister, Mr. and Mrs. D. L. Clarke, at Avon Springs, where they passed several weeks.

Beside the incidents already mentioned, others occurred in my family which rendered this year one of special interest.

In April and while Alfred was with his regiment near Falmouth, Va., he met with a deep and thorough change of heart. A gracious God gave him a new birth. His letter of the 19th of April, announcing this change to me and his mother, and giving us a brief account of it, was charming and

most satisfactory. It filled our hearts with holy joy. He declared himself reconciled to God through his Redeemer—felt happy and was ready to die for his country if God so ordered. He was not able to visit us till September. He then came home, and on Sunday the 6th of that month united with our church. As this son afterwards gave his life to his country, as will appear hereafter in this family history, it is due to his memory to give a diary, which he kept in pencil during the movement of the Army of the Potomac early in May across the Rappahannock river, the battle of Chancellorsville, and the return of the army by recrossing the river to its encampment.

To comply with a request made in July, 1863, by "The Bureau of Military Statistics established by the Legislature" of our state, I furnished a history of the services rendered by my sons up to that time, and gave a copy of Alfred's diary, which I made from the original in pencil. That copy will be found as No. 62 of "Papers Written by me." It will be found interesting, as it gives an accurate account of the movements of the army, and of the battle so far as they fell under his observation, as well as of the perils, thoughts, and feelings of a Christian soldier during a severe battle.

The summer vacation of Columbia College commenced on the 20th of June. Lawrence, instead of coming home to pass his vacation, asked my consent to join the 22d Regiment of New York Militia, then under orders for Harrisburg, Pa., to aid in driving the rebels from that state. I gave it promptly, and commended his choice of the manner of spending his vacation. He left New York fully equipped with the regiment on the 22d of June. After the rebels were driven from Pennsylvania, the regiment was ordered back to New York to preserve order in that city. It arrived there on the 18th day of July. Their tour of duty, though short, was severe and full of peril. Lawrence came home a few days afterwards. After hearing his account of the services of his regiment and the destitution to which they were exposed (for their commissariat had been wretchedly managed), I asked him if he thought he had done

any good by going ; he said "Certainly." I inquired how ; he answered, "I had five fair shots at the rebels."

As Lawrence did not enjoy good health in the city and Robert E. was anxious to receive his education in a Western college, they concluded, with my consent, to enter the college at Beloit, Wis. They did so on the 1st of September. Lawrence as sophomore, and Robert E. as freshman.

Thomas continued at school at Peekskill, and in the autumn William joined him. When the summer term of the school at South Williamstown closed, George came home and entered a school at Geneva. The little girls also attended school in that village. Our two eldest daughters passed the year at home, making occasional visits to relatives and friends as in previous years.

I continued to hold the office of elder in our church, though very reluctantly, as my frequent absences from home prevented me from properly and fully discharging its duties.

On Saturday evening, the last day of February, Mrs. Foot and I decided to change our hour for evening devotions from the late hour in the evening, at which we usually had them, to directly after tea, so that all the children could be present. We carried this change into execution on Sunday evening, the 1st of March, and found it a great improvement, and have had our evening devotions at that hour ever since.

Two or three extracts from my diary, indicating my dependence on God, and my gratitude for his goodness and mercy, will close the account of the year :

Saturday, January 3d.—"Yesterday evening I received authentic intelligence of the President's proclamation of emancipation. I record my thanks to thee, gracious God, for answering my frequent prayers to set the bondmen free, and give this continent to Christian freemen. O God, complete this gracious and glorious work. I ask it for Christ's sake."

Wednesday, April 22d. After reading Alfred's letter announcing his conversion.—"Gracious God, I record my profound thanks for this manifestation of thy love and mercy."

Monday, June 1st.—“Spent my Sabbath yesterday as usual in Geneva, and I trust as well. The Lord’s supper was administered in the forenoon, and I enjoyed it. It is delightful to be near to my Saviour.”

Wednesday, August 26th. On Lawrence and Robert E. leaving home to enter Beloit College.—“Gracious God, I commit these dear sons to thy protecting care—renew them in thine image, and make them thine own in Jesus.”

### 1864.

This year, in one respect, differed materially from previous years. While in those years my profession was my chief occupation, it occupied this year only a small portion of my time. It did not call me from home to Canandaigua, nor to any of the adjoining counties, and took me only three times to New York, and on neither of those occasions detained me over ten days, nor occupied my whole time while there, my individual business requiring a large share of it; and while at Geneva only a few hours were occasionally needed for professional business, studies, and reading. This change arose from the fact, that after the death of my son John, I did not encourage, and frequently declined, retainers in new business, and was mainly engaged in prosecuting to conclusion, the suits on hand at his death. They were nearly all ended in 1862–3. A few only, which required my attention, remained at the beginning of this year.

Almost the whole of this year was passed at home. I went to Washington for a few days in January, to oblige a friend—to New Haven, Conn., in July, with my son Thomas, to aid him in his arrangements to enter Yale College, and from there to Watertown in that state, to visit my nephew, Hubert Scovill, and his family, with whom I passed six or eight days—and to Philadelphia near the end of August to meet my son Alfred, who was brought there wounded from Virginia, and where I remained several days. With these

exceptions, my time was passed at Geneva as it generally had been in previous years ; but being more at home this year than before, I spent more time working in my garden and on my place, in general reading, and in correspondence with relatives and friends, and with my children, who were away from home.

I took a deep interest in the presidential election this year ; also in the gubernatorial election of this state. A meeting was held in this village on the evening of the 4th of October, to promote the re-election of Mr. Lincoln, and the Republican candidate for Governor of this state, of which I was chairman, and on taking the chair, made a short address, wholly practical, and designed to influence the votes of my neighbors. To accomplish that object I wrote it out in full before delivering it. It was published in our village paper a few days afterwards, and is No. 63 of "Papers Written by me."

Being in New York on the 12th of November, and after the result of the election was known, I wrote Mrs. Foot a letter on that day, some extracts of which will show my views and the state of my feelings at that time in regard to the election and the condition of the country :

"I respond most deeply and warmly to your remark, that the 'news is glorious.' It is more than glorious, it is profoundly good, rich in blessings to this country and the world. I am so grateful to our Heavenly Father, who has the keeping of the hearts of all men, for directing the people of this country to so wise a judgment, that I have not language to express my gratitude. I can only repeat and repeat the exclamation, 'O God, I thank thee.' The majorities for the Union come in stronger and stronger. The vote is overwhelming. A load is removed from my heart." After mentioning the payment of a largely increased amount of tax on some real estate in the city, I write, "But the future looks so bright for the country, that temporary inconvenience is not worth a thought. It would be, as it should be, a pleasure to suffer in her cause. A wound in her service is an imperishable honor, and my deepest regret has been and is, as you know, that my age deprives me of the privilege of serving her as I would."

"The Geneva Literary and Scientific Association" met at my house on the evening of the 27th of December, and I delivered before them a lecture, in which I discussed the principles on which the states in rebellion should be re-organized, the currency of the country regulated, and the national debt managed. I bestowed considerable thought on these topics, and wrote the lecture out nearly in full, but did not confine myself in its delivery to the written words ; nor are the portions written in a fit state for publication. I called my lecture "Some Desultory Thoughts, *not* on the very distant, but on the more immediate future of our country."

Many of these thoughts will be found in papers which I wrote and were published in the two following years.

This year was marked by family incidents of great interest.

Our daughter Mary engaged herself in marriage to R. Ross Roberts, a physician of Harrisburg, Pa., and on the 3d of December he asked her in marriage of me and her mother, and our consent to the engagement. We freely gave it.

While the Union army of the Potomac was pressing forward in June, 1863, to meet the army of the rebels in Pennsylvania, Alfred was met with an order near Manassas Junction directing him to repair to Harrisburg, Pa., to discharge the duty of a mustering-in officer. He reached there on the 28th of June, and was kept there and in the vicinity on that service till near the end of May of this year, when he was again allowed to join his regiment, then near Petersburg, Va. He came home for a day, and left us on the 28th of May for his regiment. He came home again on the 5th of July wounded. A rifle-ball had passed, a few days before, through the calf of his left leg. His wound having healed, and his limb apparently fully restored, he returned to the army on the 1st of August. After passing a few days at headquarters with a friend, he joined his regiment, still near Petersburg, Va. He was in the dreadful battle, which was fought on the 18th of August, for the possession of the Petersburg and Weldon Railroad, and commanded the battalion of the 14th infantry,

his senior officer being unable to be on the field. He was severely wounded in the right arm near the shoulder. He supposed fatally—went to the stump of a tree, sat down beside it, and leaned against it to die. After the battle was over, he was found, and carried to the surgeon's table. The surgeon, after an examination of his wound, informed him, that the safest operation was to take off his arm at the shoulder-joint; but he could perform an operation, which, if he lived, would give him a tolerably good arm, and he must decide. Alfred thought a few seconds and said, he would rather be buried with two arms than live with one. The surgeon performed the operation of exsection, took from his arm  $3\frac{1}{2}$  inches of shattered bone, being able to leave only one inch of sound bone below and next to the shoulder-joint. The next day he was carried in an ambulance sixteen miles to City Point, which almost killed him, and from there to Philadelphia on the steamer Atlantic, with five hundred other wounded officers and soldiers. The steamer arrived at Philadelphia on Thursday evening the 25th of August. On Wednesday the 24th, I received a letter from General Patrick, the provost marshal, written the day after Alfred was wounded, in which he said, "The regiment has suffered heavily, none of the officers killed, four wounded, and a great many men lost. \* \* \* There is no danger of his (your son) losing his arm. I do not think your son will remain here very long. He will be sent to Washington." This led me to suppose Alfred was not dangerously wounded.

I took the first train South to find him. A letter which I wrote to my daughter Mary on the 28th of August, contains a full account of my journey, and of all the incidents connected with meeting Alfred, of his feeble and dangerous condition, of the provision I made for him, and of the arrival in Philadelphia of his mother. My children will find it full of interest. It is No. 64 of "Papers Written by me."

The search for Alfred's baggage, mentioned in my letter to Mary, was successful. I was the more anxious to find it, because when Alfred was first wounded, he lost his own sword



and pistol, and I had let him have his brother John's, and was anxious they should be found and preserved.

In my letter to Mary, I did not state fully the reduced and dangerous condition in which I found Alfred. The functions of his body had been inactive for the whole week since he was wounded, and artificial means used to supply their place as far as possible. He was so feeble he could not stand, nor hold up his head, which fell forward on to his chest when raised in bed to dress his wound. I did not think he could live, and so expressed myself to a couple of his brother officers who were less severely wounded than he. But they said, he had too much pluck to die. One night, about ten days after he was placed in the hospital, a violent pain seized him in his left leg, in which he was first wounded, and extended from his groin to his toes. It was so excruciating, that powerful anodynes were administered to him. His mother and the surgeon were called, and fears were entertained that death was approaching. The leg swelled in the course of the night to double its natural size, and then the pain ceased. He had no pain in the limb afterwards, and the swelling gradually went down, till it approached its natural size. But this leg was never afterwards as strong as the other, and a little too much exercise in walking caused it to swell.

Mary went to Philadelphia on the 16th of September to relieve her mother, who came home on the 21st of that month. Alfred was not able to leave the hospital till the 1st of November, and reached home on the 5th of that month, and remained with us till the close of the year, when he went to Harrisburg, Pa., with Dr. Roberts. The Government recognized the services and sufferings of Alfred, and gave him a brevet, which was noticed as follows in our village paper :

"It gives us pleasure to mention that Lieutenant Alfred Foot, of the 14th U. S. Regular Infantry, who was wounded in August last in the closely contested battle for the possession of the Weldon Railroad, has been promoted and appointed a captain by brevet for gallant services during the operations on the Weldon Railroad,

Va., to take rank from the 18th of August, 1864,' (the day he was wounded.)

"We are happy to learn that Captain Foot, who is still at the residence of his father, Judge Foot, being yet unfit for service, is slowly recovering from his wound, though he will never have the full use of his arm."—*Geneva Courier*, Wednesday, Dec. 21, 1864.

Under the offer of the Western governors, in the spring of this year, to the General Government, of one hundred thousand men for one hundred days, my two sons, Lawrence and Robert Ebenezzer, at Beloit College, Wis., volunteered. Robert E., the youngest, having some doubt of my consenting to his going, wrote me on the 7th of May substantially and nearly in the following words :

"Father, if my life is spared, I shall be one of the next generation to bear the burthens of this war, and aid in the government of this country on the new plan of universal freedom. I shall not be able then to hold up my head and do my duty, if I do not, having now nearly the strength of a man, take a part in putting down the rebellion. I want your permission and blessing to volunteer as one of the one hundred day men. I have already put down my name subject to your approval. Send word by telegraph."

I answered by telegraph, "Go, with God's blessing and mine." Nearly all the students of the college went, and one of the professors went as chaplain of the regiment. They left Beloit on the 19th of May for Camp Randall, Madison, Wis. They were mustered into the United States service on the 7th of June, and ordered to Memphis, Tenn., for which place they started on the 10th of that month. On arriving at Memphis, they were stationed at Camp Ray, a short distance from the city. They remained there till the 9th of September, and were then ordered home. They arrived at Madison, Wis., on the 15th of that month, after a fatiguing journey, were paid off, mustered out, and reached home on the 24th.

They had one brush with the rebels, viz., when the rebel general, Forrest, made his raid in August upon Memphis. My sons were in the 40th Wisconsin Regiment, which took a part

in the fight, and was reported to have behaved remarkably well.

Lawrence and Robert E. returned to college at Beloit on the 12th of October.

Some one, but who I have never learned, early in September, wrote an article, which was published in our village paper on the 7th of that month, respecting my five sons in the army. The statements are not all accurate, but are in general correct, and I subjoin it in a note.\*

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\* This war is consuming the best and dearest of our land. This is seen and known by all. It falls heavily by way of taxes and increased prices upon all persons. It falls with oppressive weight upon those who have sons and near of kin exposed, and called upon to incur its risks—its hazards, the sufferings of a life in camp, and the agonies of death in the field, or the still worse tortures of rebel barbarity and atrocity worse than death, in the power of the enemy as prisoners of war.

Of the men who have thus contributed to the necessities of our country, few, if any, have given so largely as our townsman, Hon. S. A. Foot. He has, or has had, five sons in the service of the country. Two are dead, one lies dangerously wounded, and two are safe, and for the present out of service.

His oldest son, in practice of the law in Minnesota, raised a company in the Second Minnesota Regiment, was in the battle of Mill Spring, January, 1863. His regiment, with the 9th Ohio, was the means of gaining this most important success for the Union cause. Although Captain Foot escaped injury in the battle, the campaign of which it was part, developed an old disease into such active vigor that he was obliged to retire at once from the service, and he died on the 12th of March following.

His second son, Samuel C. Foot, was educated for the navy, and was signal officer on board the "Stars and Stripes" in the battle of Roanoke Island. He took part also in the capture of Newbern, N. C. After these battles he was made executive officer of the steamer "Whitehead," and ordered to Elizabeth City, N. C. There he took typhoid fever, and died of this disease June 12th, 1862.

The third son of Judge Foot, Alfred, volunteered with the Seventh Regiment of New York city, at the first call for troops, April, 1861. He served out the time for which the regiment volunteered, and was then appointed first-lieutenant in the 14th Regular Infantry. He was in the battle of Chancellorsville, 1863. While in command of a battalion of

Euphemia passed the winter with her uncle and aunt Clark in the city, and the rest of the year at home, with the exception of a visit or two to relatives at the East.

Thomas entered Yale College early in September. It is but justice to this son to mention, that he was anxious to join one of the volunteer regiments of this state and help suppress the rebellion, but I would not allow him to, considering him too young for such a service.

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skirmishers before Petersburg, Va., June 22d, he was wounded in his leg. On his partial recovery he returned to duty, August 1st. But again, after eighteen days, in the capture of the Weldon Road, August 18th, he was badly wounded in the shoulder. He is doing well and likely to recover, with a loss of about three inches of the bone of his right arm, near the shoulder.

The fourth son, Lawrence, after entering Columbia College, New York city, in June of 1863, instead of coming home to spend his vacation, enlisted in the 22d City Regiment, and served six weeks in the campaign that gave us Gettysburg and drove Lee from Pennsylvania. He was three times under fire in conflict with the rebels.

The fifth son, Robert E. Foot, entered Beloit College, Wis., September, 1863, his elder brother, just spoken of, entering sophomore at the same time, after his campaign in Pennsylvania. Both of them, Robert and Lawrence, entered the service as privates, and without bounty, in May, 1864. They served a hundred days, and were in the battles that ensued near Memphis, Tenn., when Forrest made his raid into that city, and thus contributed to defeat him and drive back his men.

We doubt if there is a family in the country with a better record than this. Of Judge Foot's contribution in money to the cause of his country we cannot speak. He is not a man to make known his acts of this kind. But we know of his sympathy with the cause, we know of his services in sustaining the "Legal Tender" act of Congress in the Court of Appeals. And our readers know of his agency in the publication of the well known Wilson and Foot pamphlet on Confiscation. This, whether it brings money or not into the public treasury, may fairly be said to have revolutionized the opinion of the country on a great constitutional question, and has shown that while our government is in time of peace the most mild and paternal on the earth, it is in times of war not less powerful and thoroughly armed with all the means that are necessary, or can be successfully used, in putting down a rebellion when it occurs. We think that this is about enough for one man to do. Most of us would be satisfied with far less.—*Geneva Courier*, Wednesday, September 7th, 1864.

William remained at school at Peekskill, and George and the other younger children at Geneva.

Lawrence was attacked with chills and fever after he went back to college at Beloit, and could not get rid of them. They were one of the sequences of his summer's campaign in Tennessee. He came home quite ill in the forepart of December, but soon began to improve in health.

I will close this account of the year by some extracts from my diary, showing my trust in my Heavenly Father, and my willingness to submit to his orderings in regard to me and mine :

Wednesday, August 3d. After my return from my visit to Watertown, Conn., and recording my thoughts.—“Being at the place of my birth, and reviewing my life, I am impressed with the goodness of my God, and record my profound thanks to Him for His merciful dealings with me through life.”

Monday, September 5th.—“Spent my Sabbath yesterday as usual in Geneva. The Lord's supper was administered most acceptably by our pastor. I greatly enjoyed it, and was very near to my Saviour the whole time.”

Thursday, December 15th.—“This is the birthday of Mrs. Foot. Gracious God, I thank thee for sparing her life, and for the inestimable blessing of such a companion.”

Saturday, December 17th.—“This is my birthday, being to-day seventy-four years of age, and still in good health, and in the enjoyment of all my faculties, except a slight deafness, mainly in my right ear. For my prolonged life, health, and use of my faculties, O God, I thank thee. If consistent with thy will, still spare me, that I may continue to fulfill the duties of a parent, member and officer in thy church, and a citizen of this Republic. I ask all in the name and for the sake of thy dear Son, my Saviour.”

1863.

My time this year was occupied in general as it was in the previous year. About the same amount of it was required by

my profession, which only took me to Yates County for a couple of days, and three times to New York, and these only occupied me altogether about three weeks. At Geneva it only took an hour or two on a few different occasions.

Nearly the whole year was passed at Geneva. I went to Washington the latter part of January to ask for an order placing Alfred on light duty, which Mr. Stanton, the Secretary of War, readily and kindly granted. I was there only two or three days. Near the end of June, I went to Niagara Falls with Euphemia and a couple of young ladies, her friends. We were there only two days. Early in August, I took my sons, Robert E., Thomas, and William, to Sodus Bay, and spent a couple of days there fishing with them; and near the end of October Mrs. Foot and I went to Harrisburg, Pa., to visit Mary and attend Alfred's wedding.

In regard to the time passed at Geneva, the principal difference between this and the preceding year consisted—*First*. In the time given this year to writing this biography and collecting facts for that purpose—and *Second*. In greater attention to the affairs of our church.

I began this biography early in February, and wrote the preface on the 6th and 7th days of that month, and from that time forward, for several months, devoted considerable time to it. Our pastor resigned his pastorate in the latter part of June. In addition to my usual attention to the affairs of the church, I assisted in obtaining a successor, and conducted many of the weekly prayer meetings.

The great victories over the rebels—the close of the war—the assassination of President Lincoln, and the condition of the country engrossed my thoughts, and occupied them for many an hour.

The trial of the assassins by a military tribunal deeply interested the country, and the right of such a tribunal to try and execute them was earnestly discussed in the public journals. These topics greatly interested me. My opinion was clearly in favor of the right of a military court to try and punish these atrocious criminals; and while in the city in

May, I wrote a short article over my own name, and sent it to the New York Times for publication. It was published on the 15th of that month. It shows my opinion and views in regard to the proper tribunal to punish this greatest of crimes. It is No. 65 of "Papers Written by me."

The condition of the rebel states, and the way they should be reorganized began to engage public attention early in the summer of this year. The few articles, which appeared in the public journals on the subject, showed that there was great diversity of opinion, and that the public mind was entirely unsettled in regard to the true condition of these states under our system of Government, and the manner in which they could again be brought into harmonious action with the loyal states. To render what assistance I could on this all-important subject, I wrote an article, early in August, in the form of a letter addressed to our Senators in Congress, in which was presented the result of my reflections upon it.

This letter was first published in our village paper, and afterwards extensively in the public journals—was highly commended, and brought me many complimentary letters from distinguished gentlemen to whom copies had been sent. It was, I believe, the first publication which presented the true constitutional condition of the rebel states, and the principles and outlines of the measures on which they were ultimately reconstructed. It is No. 66 of "Papers Written by me."

Below in a note are a couple of letters, one from Chief Justice Chase and the other from Senator Morgan, given as specimens of those received by me; also notices in two public journals likewise given as specimens of those taken of my letter.\*

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\* WASHINGTON, August 26th, 1865.

DEAR JUDGE:

Accept my thanks for the instructive article you sent me. I wish that the counsels of such men may be heeded.

Yours, sincerely,

S. P. CHASE.

HON. SAMUEL A. FOOT.

This year, like the last, was marked by family incidents of great interest.

Early in March, a work of grace was begun in the heart of my dear son, Robert Ebenezer. He fell under a deep conviction of sin—was born again, and became a devout and earnest Christian. His letter to his parents announcing this great and happy change, and his subsequent letters to his brothers and to me, were full of interest and delightful. They showed a perfect work of grace, and that in this son, I had a true brother in Christ. He united with the Congregational church at Beloit on the 4th of May, and on the following Sunday par-

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NEW YORK, September 2d, 1865.

HON. SAMUEL A. FOOT.

MY DEAR SIR:—Your letter of the 16th ult. enclosing slip from Geneva Courier, being a copy of a letter addressed by you to Senator Harris and myself, was received during a brief absence from the city. Before I returned here, I observed its republication in the Evening Post. \* \* \* The letter was well worthy of republication. I hope, my dear sir, you will always feel free to address me on public affairs, either privately or publicly, whenever it may be agreeable for you to do so. Certainly the important questions to be decided may, with great propriety, be examined and discussed by *all* our fellow-citizens, and especially by one so able and patriotic as yourself.

Yours, very truly,

E. D. MORGAN.

We copy from the Geneva Courier the letter of Hon. Samuel A. Foot, addressed to United States Senators Harris and Morgan, of this state, on the subject of reconstruction. Judge Foot indicates how justice might be done to all classes, and the states be restored without violence to the Constitution. He is an eminent jurist, and his views are worthy of the highest consideration. The problem he treats is one that must exercise the best minds of the nation for some time to come, and we are glad that Judge Foot finds a solution so agreeable to all friends of universal justice and free suffrage.—*Yates County Chronicle*, Penn Yan, N. Y., Thursday, August 24th, 1865.

The following letter, which we copy from the Geneva Courier, presents the views of one of the most eminent jurists of this state, on a subject which is at present of absorbing interest. It deserves careful perusal.—*Christian Intelligencer*, Thursday, August 24th, 1865.



took of the emblems of the broken body and shed blood of his Saviour.

On the 10th of March, Thomas was suspended at Yale College for chastising a sophomore, who had entered his room and deranged its contents. The offence was not deemed an immorality, and the President of the college gave him a letter which enabled him to enter the college at Beloit, Wis., which he did the last of April.

Lawrence having been interrupted in his education by sickness, decided not to follow a profession, but engage in some general business, and finally selected that of a banker and broker in the city of New York. He left home for the city on the 5th of May, and on the following Monday commenced his clerkship in the banking-house in Wall Street of Thomas Denny & Co.

Mary was married on the 15th of June to Dr. Roberts. They left us in the afternoon on their wedding tour.

Alfred was married at Harrisburg, Pa., on the 31st of October, to Rebecca L. Foster of that place. He and his bride embarked at New York for San Francisco on the 21st of November with his regiment, which was ordered to Arizona.

Euphemia spent the winter in New York with her uncle and aunt Clark, and the rest of the year at home, except the short trip to Niagara Falls already mentioned, and a visit of a few days to her sister Mary in October.

Robert E. and Thomas spent their summer vacation at home, and returned to college early in September.

George concluded to learn the business of a machinist, and entered the works of Mr. Dunning of this village in October.

William came home from Peekskill the last of June, and did not return. He entered Dr. Reed's school on the 1st of September.

The little girls continued at school in Geneva.

On Monday the 23d of October, I made the following entry in my diary :

"I should have mentioned in my diary some weeks since, that I have discontinued the service on Sunday afternoon of calling my

younger children together, and inquiring what they heard and remembered of the sermons. Two reasons have caused this discontinuance. One, that my deafness prevents me from hearing all of the sermon; the other, that the children are all now old enough to know and realize the value and importance of attention to the services in church."

A few extracts from my diary, showing my trust in God, and my gratitude for his mercies, will close the history of me and my family this year:

Saturday, March 11th.—"Received the gratifying intelligence yesterday that my son Robert E. had become a Christian. He seems to have met with a real change of heart. O God, I thank thee for this answer to the oft-repeated and earnest prayers of his parents."

Saturday, October 14th.—"This is the birthday of my youngest child, Catherine. She is to-day thirteen years old. \* \* \* I thank thee, O God, for sparing my life, and allowing me to see my youngest child so far advanced in life."

Sunday, December 17th.—"This is my birthday. I am to-day seventy-five years old. O God, thy goodness to me is beyond my power to express. Thou hast exempted me from the ordinary lot of advanced years. If consistent with thy will, Heavenly Father, still spare me, that I may be an instrument in thy hands to provide for the children thou hast given me, and allowed to provide and fit them for the duties of this life, as well as prepare them for thy holy presence, when death shall remove them. I thank thee that I have been allowed to live till slavery has been abolished in my country, and that I have been allowed, by my sons and contribution of means which thou hast given me, to aid in the great work. If consistent with thy holy will, may I still live and have the use of my faculties, until the freedmen have their rights secured to them, and harmony prevails throughout our country, and until my children are educated and settled in life. Enable me by the aid of thy Spirit to live more closely in communion with thee, so that when thy summons comes, I may enter thy presence not only calmly but joyfully. I ask all in the name and for the sake of my dear Redeemer."

Wednesday, December 20th.—"Yesterday was a happy day

for me. The morning papers announced the proclamation by the Secretary of State, issued the day before, that the constitutional amendment was adopted which abolishes slavery in this country. I returned to God in my private devotions deep and heartfelt thanks for this great boon to my country."

### 1866.

My profession this year required more of my time than in either of the preceding years, owing mainly to the temporary illness of Mr. Curtis on two different occasions during the year. It obliged me to make seven journeys to the city, and spend there altogether more than two months, and one journey to Rochester, and pass two days there ; also to give at home considerable attention to professional business and studies. With the exception of these absences, and a few others for purposes other than business, the year was passed at Geneva.

The members of "The Geneva Literary and Scientific Association," noticing early in January this year, from the proceedings and debates in Congress and discussion in the public journals, that there was great diversity of opinion regarding the *distinctive features* of "a republican form of government," which "the United States shall guarantee to every state in the Union," assigned their ascertainment as a topic for an essay to be read at their meeting on Tuesday evening the 30th of January, and requested me to write it. In compliance with this request I bestowed a good deal of thought upon it, wrote an essay, and read it before the Association on the evening mentioned. It was received with great favor, and ordered to be published. I went to Albany a few days afterwards and had it printed in pamphlet form.

In further reflecting on the subject, it seemed to me, that Congress might pass an act which should apply to all the states, and thus harmonize the diverse opinions which prevailed in regard to giving the freedmen a right to vote on the

reorganization of the rebel states. I drew such a law, and had it printed in Albany.

Being intensely earnest in my desire that the fruits of the war, which had cost me so dearly by the loss and sufferings of my sons, should be gathered by bringing back into the Union the rebel states under governments truly republican, I went to Washington, caused my essay and proposed law to be laid on the desks of members of Congress, handed to the President, the members of his cabinet, and other gentlemen of influence and distinction. I had interviews on the subject with the President, several members of his cabinet, a large number of Senators and Representatives in Congress, and other gentlemen. The measure was generally received with favor, but the objection made to it was, that it would be too strong and direct an interference with the right which the states claimed and had always exercised to regulate elections—that such a measure could only be safely and successfully carried by an amendment of the Constitution. Still several members of Congress favored the passage of such a law, and a distinguished Senator introduced one to that effect and advocated its passage.

The essay is No. 67 and the law No. 68 of “Papers Written by me.”

After my return from Washington, my thoughts continued to dwell on the advantages to the country of adopting a measure, which should reconcile conflicting opinions and harmonize all sections of the country, and also secure universal education, and thus perpetuate our Government. After bestowing much thought on the subject, I drew some amendments to the Constitution, consisting of three articles, had them printed and sent to members of Congress.

Our village paper, the Geneva Courier, published these amendments with some comments upon them on the 21st of March.\* They and the comments on them were republished

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\* Of all the propositions and plans that we have seen offered for settling the pending questions before the country, respecting suffrage and

and favorably noticed in several leading journals. The Evening Post preceded them with the following heading and remark :

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representation, the following one, drawn, we understand, by a distinguished jurist of our village, is the only one which seems to us just, fair, and reasonable.

*To reconcile conflicting opinions, avoid threatened complications, and harmonize and settle the country on a true republican basis.*

*Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several states as amendments to the Constitution of the United States; which articles, when ratified by three-fourths of the said Legislatures, to be valid, to all intents and purposes, as a part of the said Constitution, namely—

ARTICLE I.—That every citizen of the United States, and every citizen of every state of the United States, who shall have resided in any state thereof for one year, shall be a citizen of the state in which he has so resided.

ARTICLE II.—That every male citizen of every state of the United States, who is twenty-one years of age, of sound mind, and not a pauper nor convicted of an infamous crime, and who can read the Constitution of the United States in the English language, and write his name, and shall have resided in the state of which he is a citizen for one year immediately preceding any election in such state, shall be an elector of all elective officers, or legislators chosen at such elections; and no person shall be such elector unless he shall have the above qualifications. But this Article shall not impair or affect the right of any person who, at the time of adopting the same, shall be an elector in any state by the laws thereof.

ARTICLE III.—After the census to be taken in the year eighteen hundred and seventy, and each succeeding census, representatives shall be apportioned among the several states which may be included in the United States of America, according to the number in each state of electors qualified as declared in the preceding Article II, and direct taxes shall be apportioned among the several states according to the value of the real and personal taxable property situate in each state, not belonging to the state or to the United States.

These proposed amendments of the Constitution were printed some weeks since, and sent to prominent members of both Houses of Congress;

"SUFFRAGE AND REPRESENTATION.

"Judge Foot of Geneva, who has written ably and acutely on various public questions which, within the last four years, have occupied the attention of the country, is the reputed author of the following plan of a uniform system of suffrage throughout the United States, in connection with a general basis of representation."

I wrote a full article in explanation and vindication of them, which was published by the *Courier* the following week. It is No. 69 of "Papers Written by me." Copies of it were printed and sent to the members of Congress of both Houses.\*

I considered it my duty this year to correct the injustice and great wrong, which I happened to find prevailed in this.

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and we infer, from what we see at Washington, that the plan is gaining favor. It rests on the principles of *equality* and *intelligence*. These are the true basis of republicanism, and must in the end prevail. We cannot ask the South to give colored suffrage, which we refuse at the North. But, when we offer to do what we ask them to do, viz., to give the ballot to *all*, North, South, East, and West, without distinction of race or color, who can read and write, they cannot object. This plan, too, harmonizes the institutions of the country, and makes education the great object to be sought by all. It places the country on the true foundation, upon which alone our institutions can stand and endure.

If suffrage is made the basis of representation in Congress, with the only qualification, that a voter must be a male, 21 years of age, suffrage will be run into the ground, and ultimately destroyed, carrying with it our institutions, which rest upon it. For every state being anxious to have as many Representatives in Congress and votes for President as it can, will, to obtain that object, make as many voters as it can. This will create a strife among the states to increase voters, and the consequence will be, that everything in the country, or which may come into it, in the shape of a man, 21 years of age, will be made a voter, and thus so dilute and cheapen suffrage, as to render it valueless and odious, and ultimately destroy it. But give suffrage the educational qualification above set forth, then it may safely and rightfully be made the basis of representation.

We intend to advert to this subject hereafter, and give our views more fully upon it. We are persuaded it is the only plan which can succeed.—*Geneva Courier*, Wednesday, March 21, 1866.

\* See Appendix.

town in the assessment of taxes. The subject is fully presented and my action upon it, in the card below which I wrote, and was published in the Courier of the 12th of September :

“Having reason to believe that my motive and object in the measures which I have taken, respecting the taxes of this town, are misunderstood by many of my neighbors and fellow-townsmen, I issue this card to set the matter right.

“Having always regarded it as one of the first duties of a good citizen to contribute his just share of the expenses of the government under which he lives, I have never made an investment, or done any act to withdraw any of my property from taxation, and when called on by the assessor, have always given the full amount of my personal property liable to taxation, and have been assessed and taxed accordingly, and have never, to my recollection, looked at an assessment roll until this year. But this year, on paying my village tax, I found that the assessment on my personal property had been raised from \$6,000 to \$7,500, and on looking at the assessment roll of the town, made for the state, county, and town tax, found a like increase there, notwithstanding I had given the assessor \$6,000 as the amount of my personal property liable to taxation. This induced me to look at the assessment roll, to see if the same rigid course had been adopted as to others. To my surprise I found—*First*. What appeared to me from the general information I had, great and startling inequalities, in the assessments of personal property. While some few of our wealthy citizens appeared to be assessed heavily for personal property, others, regarded equally wealthy, were assessed nothing. *Second*. While all mechanics, laborers, and persons of small property were on the assessment roll for all they had, such property being open to view, the large estates of the town, consisting generally of personal property, being invested in various ways and out of view, were not on the assessment roll. And thus the burthens of taxation fall in most undue proportion upon those least able to bear them.

“Taxes now being heavy, and a heavy burthen, especially upon the laboring classes, this flagrant injustice to them and to those who are assessed to the full amount of their personal property, offended my sense of justice, induced me to consider the matter,

examine the tax laws, and ascertain if there was a remedy under the laws as they now stood, and brought me to a conclusion that there was, and that it was my duty to my neighbors, especially those less able than myself to protect themselves, to pursue that remedy; not with the expectation that the injustice of the assessment this year can be fully corrected, but that hereafter tax-payers, knowing their rights, may assert them.

"It is obvious that the under-assessment of one tax-payer is just as great a wrong to another tax-payer as an over-assessment of the latter. Hence a remedy to the injustice mentioned can only be sought by complaining of the under-assessment of those tax-payers not assessed on their property liable to assessment.

"To prevent all pretence of personalities and disrespect to individuals, complaints were entered for under-assessing three of our most prominent citizens, holding official positions, the owners of three of the largest estates in town, and two of our most active and wealthy business men.

"SAMUEL A. FOOT.

"Geneva, Sept. 9th, 1866."

My views of the law and the correctness of my action in the matter were fully sustained by the Supreme Court of this district.\*

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\* We publish below an interesting and important decision of Judge E. Darwin Smith, lately made at Special Term, on the complaints of Judge Foot, of our village, against the assessment roll of our town, because men of acknowledged wealth were assessed nothing for personal property, and others under-assessed for the same property.

The opinion fully sustains Judge Foot's views of the law, and establishes the right of a tax-payer to object to the assessment roll, because other tax-payers are either assessed nothing or are under-assessed for real or personal property.

Judge Smith further decides, that the decision of the assessors on the objections and complaints of a tax-payer is final, and that an appeal from their decision does not lie to the Board of Supervisors as the law now stands. In this particular we think the law ought to be amended, so as to give an appeal to the Board of Supervisors, that the errors of the assessors, if any are committed, may be corrected :



My time at Geneva, this year, was employed as it generally had been in previous years, with only one material difference. The writing of this biography had been suspended for more

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SUPREME COURT—THE PEOPLE *ex rel.* SAM'L A. FOOT, *vs.* THE BOARD OF SUPERVISORS OF ONTARIO COUNTY. Monroe County Special Term, November, 1886. SMITH, Justice. Motion for Mandamus.

Folger & Mason for Relator, T. R. Strong for Respondent.

By the Court—E. Darwin Smith, J.:

If this application were for a mandamus to the Assessors of the Town of Seneca, to require them to proceed to hear, consider, and determine the complaint of the relator in respect to the omission of the said assessors to assess the several persons named in his affidavit for the respective amounts of personal property specified therein as represented by him to the said assessors, and such application was made while the assessment roll was still in the hands of the said assessors, it would have presented a very different question from the one now presented to the court.

The affidavit of the relator states, that he represented and stated to said assessors, and complained of it as a grievance to him as a tax-payer of said town, that the said assessors had omitted to insert or include in the assessment roll prepared by them, about the amount of \$300,000 of personal property liable to taxation in said town. I have no doubt that this was a grievance of which any tax-payer of said town had a right to complain, and that if the representation were true, that it was an error which the assessors might then have corrected, and which it was their duty to rectify as much as if they had omitted by mistake the names of a portion of the tax-payers of said town to the same amount.

The assessment roll was a mere preparatory or provisional roll, and subject to any amendment or alteration which the assessors deemed just and proper while it remained in their hands, and before it was delivered as completed to the Supervisor of the town. It was a mistake, I think, on the part of the assessors to decide that they had no authority to hear and determine the said complaint of the relator so made to them.

The law required them to give notice that a copy of such roll was left with one of their number, where the same might be seen and examined by any person interested, until the third Tuesday of August, and that on that day the said assessors would meet at a time and place, also therein specified, to *review their assessments*.

On the application of any person conceiving himself aggrieved, it was their duty on such day and place to meet and "hear and examine *all*

than a year, in consequence of doubts in my mind, in regard to the advantage it would be to my children and grandchildren. But after mature deliberation, I determined to proceed with it, and on the 28th of November made the following entry in my diary: "I have determined this morning to proceed with and complete my autobiography for my children." From that time forward I devoted considerable of my time at Geneva to that object. Only two days this year were given to recreation away from Geneva. They were the 16th and 17th days of August, which were spent in going to Sodus Bay to fish with my daughter Euphemia and my sons Lawrence, Robert E., and William.

This year, like the two preceding, was marked by family incidents, some of which were of deep interest.

At the beginning of the year I was ordained an elder in our church, having, a few weeks previously, been re-elected against my expressed wish and opinion. Having been re-elected biennially for a number of successive years, I con-

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*complaints, in relation to such assessments, that may be brought before them."*

This meeting was to review their assessments, and to *hear and examine all* complaints in relation to such assessments.

This right of review is not, I think, limited by the act to so simple a correction as amendment of the assessment roll "on the application of any person considering himself aggrieved thereby," to the particular assessment of the person making such complaint, as was the case before the statute was amended in 1857. I think any tax-payer may complain of any injustice, inequality, and unfairness in the assessment roll, and that it is the duty of the assessors to consider, hear, and determine such complaint. But their decision is final and conclusive on such questions, and it is for them to determine how much justice or merit there is in any complaint so made to them.

In this particular, therefore, I think the assessors erred in deciding that they had no power to hear and determine the complaints of the relator.

But their decision upon this question cannot be reviewed by the Board of Supervisors.

A copy: V. M. SMITH, Clerk.

—*Geneva Courier*, Wednesday, November 28th, 1866.

sidered it contrary to the polity of our church, which contemplates biennial changes in the consistory, to hold the office any longer. Being strongly urged, I consented to hold it for another term, with the understanding that at the end of that I was not to be re-elected.

My co-elder and friend, Wm. N. Clark, having been disabled by sickness, and being more at home than I had been in former years, I took his Bible class in the Sunday-school, and instructed it for several months ; but my imperfect hearing obliged me to relinquish this pleasant duty.

Thomas was quite sick at Beloit for several weeks in the winter of this year, and he and Robert E. came home in the forepart of February. With my approval they did not return, and concluded to complete their college course in Hobart College of this village. They entered it on the 1st of March, Robert E. as junior, and Thomas as sophomore.

On the 18th of March an event of deep interest occurred. Four of my children united with our church—Robert E. on certificate, William, Jane, Eliza Campbell, and Catherine on confession. The conversion of these four youngest of our children was clearly a thorough work of grace wrought in their young hearts by the Holy Spirit. Your mother and I were profoundly grateful to our Heavenly Father, for bringing these young lambs into the Saviour's fold.

On the voyage from New York to Aspinwall, near the close of the last year, Alfred was attacked with hemorrhage from the lungs, which greatly reduced him. He, however, recovered sufficiently to continue with his regiment to San Francisco, and from there to Dvum Barracks on their way to Arizona ; but he was too feeble to go farther, and was placed on light duty there. He had another severe hemorrhage near the last of March, from which it was thought he could not recover. He did, however, sufficiently to obey an order, issued the 1st of May, directing him to appear before the Retiring Board at Philadelphia, Pa., for examination. He and his wife arrived at Mullrose on the 22d of July, with his health greatly improved. They remained with us several days, and then went

to Harrisburg, Pa. He appeared before the Retiring Board, was examined, and on the 5th of November retired from active service. His health continued to improve, and to such a degree, that at the close of the year he regarded himself as quite well ; yet was unfit for active service, by reason of his imperfect arm and weak leg.

On the 12th of May Mary gave birth to a well-formed, promising boy. He was baptized on the 21st of October and named Edmund Wilson Roberts. Your mother and I were present at the baptism, and I, at the request of the parents of the child, accepted the position of godfather, in accordance with the Episcopal form. Your mother and I met at Harrisburg on this occasion, she direct from home, and I on my way home from New York.

About the middle of August some occurrences led Robert E. to propose starting out in life for himself. I acceded to the proposal, regarding it as likely to prove beneficial to him. It was arranged that he should leave home on the 1st of September, which he did, and went to Harrisburg and assisted his brother-in-law, Dr. Roberts, in his office and business ; but not liking the profession of medicine, and determined to become a lawyer, he went to New York in October and entered the office of Messrs. Scudder & Carter.

Euphemia passed the winter with her uncle and aunt Clark in the city, visited her sister Mary in May, and in September engaged herself in marriage to Worthington Whit-tredge. On the 29th of that month he asked the consent of her parents to their marriage. Your mother and I freely gave it.

Alfred's wife presented him with a well-formed, healthy son on the 24th of October, to whom they gave my name, Samuel Alfred.

Lawrence remained this year in New York. George in Mr. Dunning's establishment till September, when he withdrew, not liking the business, and went to Dr. Reed's school. William continued at Dr. Reed's school, and our three youngest daughters at school in Geneva.

A few extracts from my diary will show my continued trust in my Heavenly Father and my gratitude for his favors :

Monday, March 19th. The day after my four youngest children joined the church.—“Gracious God, I record my thanks for calling so many of my children into the fold of the Lamb.”

Saturday, September 1st. The day Robert E. left home to commence life for himself.—“To thee, O God, do I commit him—watch over him, I entreat thee—fill him with thy Spirit—give him success in life—make him a useful citizen—an active and exemplary member of thy church on earth, and a blessing to his family. I ask all for Christ’s sake.”

Saturday, December 15th.—“This is the birthday of my very dear, dutiful, and affectionate wife. She is to-day fifty-eight years old—in good health, with the full use of all her faculties, and with the same figure she had when we were married. For this dear companion and her spared life, gracious God, I thank thee. Take her not from me, I entreat thee, for Christ’s sake.”

An infinitely wise, beneficent, and merciful God did not grant this last petition. This was her last birthday on earth. The history of the next year will show what an unspeakable bereavement was brought on me and my children.

### 1867.

This year opened as previous years had, with fair prospects of life, health, and happiness for me, my companion, and our children. I left home on the 3d of January, to fulfill professional engagements in the city and at Albany, which detained me till the 21st of that month, when I returned home and found my family well and happy. In my diary of the next day, after giving an account of my journey to and from the city, and of the manner of passing my time while there, I add a record of thanks, like those usually made when returning home under similar circumstances, as follows : “Thus, gracious God, thou hast answered my prayer—kept me and mine safely dur-

ing our separation, and permitted us to meet again happily and safely. I thank thee, and entreat thy continued favor, for Christ's sake."

My usual duties at home were resumed, and our days were passing pleasantly. On Monday afternoon the 28th of January, the sleighing being good, your mother and I took a ride in the single sleigh. After some errands in the village, we rode a few miles, both of us well, happy, and cheerful. Passing, on our way homeward, the residence of our neighbors and friends, Mr. and Mrs. Wm. N. Clark, we called to see them. While conversing with them, your mother said, "I feel ill," and shortly afterwards added, in a more earnest tone of voice, "I am very ill." I was sitting near her, and asked her if she was faint. She answered by a single word, "Paralysis;" and this was the last word she ever spoke. Medical aid was immediately obtained. We took her home. Though unable to speak, she continued conscious till about 12 o'clock that night, when she became unconscious, and remained so till 10 o'clock on Wednesday evening following, when she expired.

To this account of her sickness and death, I add in my diary of the next day (31st of January) the following:

"Thus has closed a life of considerable length (she was fifty-eight last December), and of great excellence and usefulness. She has borne fourteen children, all healthy and without physical or mental defects. One was accidentally drowned when two and one-half years old. The others we have been permitted to raise. The youngest is now in her fifteenth year. Mrs. Foot has been a most watchful, faithful, and prayerful mother, and under God, the instrument of raising this large family of children. She has been an unpretending, yet earnest and active Christian. She loved and trusted in her Redeemer, and her spirit, I feel certain, now rests in the bosom of her God. Her death is a heavy bereavement to me. Enjoying as she did good health, and being my junior by eighteen years, I looked forward with certainty to enjoying her companionship and care till the grave received me; but an infinitely good God, for his own wise purposes, has ordered otherwise, and I am

left alone to complete our joint work of educating our younger children. I pray that He will spare me till that work is finished.

"And now, gracious God, I record my heartfelt thanks to thee for giving me this truly dear companion, and sparing her life so many years to me. Oh, may I be prepared and allowed to join her in thine own good time, in those mansions of rest, thou hast provided for those who love and trust in the Redeemer."

On Sunday afternoon, the 3d of February, after prayers by our pastor at the house, the remains of your dear mother were taken to our church, where hymns were sung, prayer offered, portions of Scripture read, and a brief and appropriate address delivered by our pastor. The remains were then taken to the cemetery and interred by the side of her sons.

All the children were present ; also Mr. Whittredge, your uncle and aunt Clark, and your uncles John and George W. Campbell.

Your mother was universally loved and respected. The church was filled with our neighbors and friends, and a large concourse followed the remains to the grave.

A friend, not a relative, who knew your mother well, wrote and published in "The Geneva Gazette" of the 1st of February, the following tribute to her memory :

"Our whole community was startled last Tuesday evening by the report that Mrs. Foot had been stricken down by paralysis. The interest was universally felt; and now that the blow has terminated in death, it is hardly extravagant to describe the general grief in words like those of the prophet: it seems that there is not a house in which there is not one dead.

"The memory of this noble and lovely woman is associated with all that, in the range of female influence, is refined, elevating, and beneficent. Placed by character and social relationships in a high position, there is no one of us who can recall any event or action of her life which was not fully in harmony with the obligations which this position imposed. We look back upon her long abiding amongst us with unmingled satisfaction, gratitude, and pride. Her house was the centre of a generous, graceful, and refining hospitality. Her heart and hand were ever open

to the calls of charity. Her stately, dignified, yet simple and genial manners won the love and admiration, and formed a most attractive model for the imitation of the young. But most and noblest of all, the energy of a strong will, and a vigorous and cultivated understanding, all the gentle and winning graces of the woman, and all the circumstances of prosperity and station, were consecrated to the glory of Him who gave them. 'Death came up into her windows,' and sorrow in its most trying forms varied the general tranquil tenor of her life; but amid all its mutations, she maintained the uniform serenity and impressive resignation which can result only from Christian discipline, confidence, and hope.

Those who were most intimate with the life of Mrs. Foot look back with most respect and admiration to the manner in which she discharged her arduous and multiform domestic duties. The high professional and judicial position of her distinguished husband called him much to places far away from home, and the cares of a numerous family, the duties of a liberal hospitality, and the oversight of a large domestic establishment were thrown entirely on her, who, by her wisdom, firmness, and energy, was fully adequate to encounter all the responsibilities. She was, in all her relations, a noble model of a Christian lady. Her memory will be dearly cherished by friends and associates who have known and lived near her, and here and elsewhere will bless God that he has permitted her to dwell upon the earth. They sympathize with her venerable husband, and her bereaved children, as if they belonged to the same household.

"Geneva, Jan. 31, 1867.

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The Christian Intelligencer of the 14th of February contained the following notice of her death and funeral:

"'The Lord gave and the Lord hath taken away.' May those so severely afflicted by this sad dispensation, by the grace of God, say, 'Blessed be the name of the Lord.'" Mrs. Foot, wife of Hon. Samuel A. Foot, of Geneva, N. Y., and daughter of the late Samuel Campbell, of New York city, fell asleep in Jesus, Wednesday, January 30th, having been stricken down with paralysis on the previous Monday. One who had known her long and well, thus wrote of her on Thursday, January 31st, for one of the village papers:" (Then followed the article from the Gazette.)



"The funeral was attended at the Reformed Dutch church of this village, on the Sabbath, and a vast concourse of sympathizing friends met in the house of God to mourn with the large family of bereaved and sorrowing ones. The husband and all the children were able to be present. The services were exceedingly solemn and impressive. The aim of the pastor of the deceased seemed to be to impress the living rather than to praise the dead.

"In his short address, which occupied less than ten minutes, he called the attention of the audience to the precious promise of our Saviour: 'Peace I leave with you, my peace I give unto you; not as the world giveth give I unto you.'"

"The promise of *peace as a gift*, and as a *Divine gift*, was dwelt upon, and thus was illustrated the truth, that what Christ promises and so freely gives, is given in his own way. 'Not as the world giveth give I unto you.' 'Our way,' said he, 'would have been to retain for many years one so much beloved and so greatly needed in her family and to the church, where for nearly twenty years she had been so useful, and in the community in which she was so greatly honored; but God's ways are higher than our ways.'

"Then came the assurance, that in this Providence, which we cannot comprehend, there is a blessing, which, through the teaching of the Holy Ghost, will bring an *abiding peace* to those who open their hearts to receive it. An affectionate appeal was made to all Christians, and especially to Christian mothers, to be faithful, so that if cut down and taken away from their children, there might be left the legacy of a prayerful life—a 'life hid with Christ in God.'

"The services of last Sabbath afternoon will not soon be forgotten in Geneva. May the Lord sustain His stricken servant, for many years an elder in the Church of Christ, and spare him many years to watch over the large number of motherless children. We all feel that we have lost a 'mother in Israel.' The pastor, in his sadness, as he returned from the grave, remarked that he felt as though he had buried one of his own household. This is the prevailing sentiment among those who knew the deceased, and knew her but to love her. God grant that the prayers of more than thirty years of her active Christian life may yet be answered.

"Geneva, N. Y., Feb. 6, 1867."

Your mother's death was mourned by all who knew her. I received a large number of letters of sympathy and condolence. Have preserved them all, and in all of them the loveliness and excellence of her life and character are portrayed in warm and unqualified language. I subjoin two of them from friends, who were well acquainted with your mother.\*

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\* NEWARK, N. J., February 7th, 1867.

HON. SAMUEL A. FOOT.

DEAR SIR:—I have only just now received the particulars of your sudden bereavement. The utter insufficiency of all human sympathy at a time like this, has caused me to hesitate about addressing you on the subject of your great sorrow. But it is more to relieve my own heart than with the expectation of affording the consolation, which must come from a higher source, that I add my testimony to a life so bright and beautiful as that of your departed wife.

The sunshine and shadows of a pastor's life come, indeed, from winds above the atmosphere of ordinary social associations; but then God in his mercy, sometimes vouchsafes to his church such reflections of himself, as seem to keep up the steady unflickering flame of faith, and encourage the hearts of his servants who labor in holy things.\* Now that I look back upon the years during which it was my privilege to minister where Mrs. Foot worshipped, I recall her to my memory as among the cherished gifts of divine grace, to manifest not only the loveliness and silent power of a Christian wife and mother, but also the mild, yet radiant, influence of a child of light, amidst the darkness of the world—as such she still lives for all of us, who hope to meet her in another and brighter world. Although she was called upon to fulfill the conditions of her profession in the experience of tribulation, yet in all her life, as I remember it, she cast no shadow upon her Christian faith. Brighter and brighter to the perfect day. Her day of departure could have known no darkness. She was spared the lingering pains of slow decay, and translated without the terrors of death to the immortal company of the redeemed and the Redeemer. She has gone to add another to the assembly that awaits us in the home that is gathering in one after another of the family of heaven. To you, my afflicted brother, there must ever be the consolation that others may not share. I have not written to intermeddle with that. I rather seek to embalm in my own memory the

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\* Dr. Abeel was pastor of the Reformed church in Geneva for several years after we removed to that village, and also for many years previously, and we always attended that church when on our summer visits to our relatives, Mr. and Mrs. D. L. Clark.

S. A. F.

There were characteristic features of your mother's life, which made her an eminent example of an American, Christian, wife and mother.

She was not extravagant or ostentatious in anything—always dressed so appropriately as not to excite remark for superfluity or deficiency—was always ready, willing, and desirous to keep our expenses within our income, and never wished an

graces of a character which has cheered me in past trials, and throws a gleam upon the little remnant of my declining days.

With the assurance of a deeper sympathy than can be expressed by words for you and your bereaved family,

I remain, truly yours,

GUSTAVUS ABEL.

NEW YORK, February 10th, 1867.

MY DEAR JUDGE FOOT.

It is not without hesitation, that I venture to intrude into the sanctuary of your grief, yet I cannot forbear expressing my own sadness, as well as sympathy, in your sorrow. You have great cause for sorrow, but I hope you will remember, that you have great cause for gratitude to God, and that this greatness of your loss is owing to his goodness; for if he had not blessed you with such an inestimable gift, you could not now have to deplore such a loss. May this consideration help to make you submissive to His will exercised in this sore dispensation.

I am thankful that I had the happiness of being acquainted with Mrs. Foot. As long as I retain life, I shall cherish, with the liveliest interest, my recollection of her, as one of the most lovely persons I have ever known.

Let us remember, with gratitude to God, his mercy connected with her life and death. He spared her to be a blessing to you and your family, and an ornament to society, for many years; and when the Master called for her, she was spared a long and withering decline, "Like a morning dream she passed in light away." Death to her is a past event, and no longer casts its dark shadow over the future, or fills her heart with horror and dismay. She is now where there will be no sin, no fear, no care, no sorrow, but perfect peace and holiness, and immortal youth will be, or rather is, her future portion forever.

With sincere sympathy, your friend,

MARSHALL S. BIDWELL.

The Hon. SAMUEL A. FOOT.

outlay for any purpose, and especially not for her own gratification, which we could not afford. She was an excellent housekeeper, and not only superintended generally, but attended carefully to the details of her household affairs, and when the occasion required, applied her own hands to the work. She knew how, and could direct how, every culinary operation should be performed.

She did not leave her children to the care of nurses, and seek enjoyment and amusement away from home. She was a most faithful and attentive mother. Her care of her children was constant and unfaltering. She spent large portions of each day with them in the nursery and play-house, which I had erected for them, and in walking and riding with them. She allowed no favorable opportunity to direct their thoughts heavenward to pass unimproved.

She had a thorough English education, and wrote readily, pleasantly, and in a beautiful hand. She was fond of reading, not overwrought novels and such flashy stuff, but books which added to her stock of useful knowledge. So systematic and orderly was she, in the management of her household, that she found time to read and write, and give instruction, more especially religious instruction, to our children. She scarcely ever failed to write me every other day, and sometimes every day, when I was absent from home beyond a few days. She wrote her sons, when away from home at school, and her daughters, when absent on visits, usually once a fortnight and sometimes oftener, and scarcely ever failed in her letters to them, to say something, and oftentimes a great deal, to direct their thoughts heavenward. Nor was she an inattentive correspondent with relatives and friends.

She had a refined and highly cultivated musical taste, and a melodious and clear voice. Her talent and attainments in music were not used merely for entertainment and enjoyment, but were exerted to turn the thoughts and feelings of her children into holy and heavenly channels. She was fond of flowers, and bestowed considerable time and attention upon their cultivation. She knew the names of all the choice ones,

and had quite a large collection for an amateur. She was gentle, graceful, and dignified in her manners, always calm and considerate, and never made a rude and unlady-like remark, and what often struck me as remarkable, amid all her varied duties, she never seemed to be hurried, but to have time for each.

She was eminently successful in the management and government of her domestics. We had so large a family of children, that we were obliged to employ a large number of domestics. It was no easy task to preserve order, quiet, and regularity with such a household, yet your mother did it without apparent effort, and simply by observing a few rules for her own conduct :

1. She treated all the domestics with the consideration due to them in their positions, and was careful never to give an unreasonable order.

2. She never conversed with them on any topics except those which related to their duties.

3. She never corrected them for faults at the time the faults occurred, but waited till calmness succeeded excitement.

4. She never employed one till diligent inquiry established trustworthiness.

5. Never dismissed one suddenly. An observance of these rules avoided all difficulties with our domestics, and enabled us to obtain the services of the best ones.

Your mother always declined all offices of Ladies' Benevolent Societies, and all public demonstrations of charity, though no one was more faithful and attentive than she, to the wants of the poor within the range of her observation and knowledge. She shrank from all pretension and display. Not only her feelings and sense of propriety, but the well considered conclusions of her judgment led her to limit her sphere of duty to her home, family, and household. Were she here, her unwillingness to encounter notoriety would doubtless lead her to recoil from putting in print this account of her, but I think I could persuade her, that her example ought not to die



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*Yours affectionately*  
*Jane Hoot*

with her and that a witness of it should be summoned for the





*Miss A. Hastings  
June 1871*

with her, and that a record of it should be preserved for the benefit of those who will succeed her in filling spheres of duty like hers.

With the assistance of your Aunt Clark, I distributed your mother's wardrobe among her daughters, sisters, and nieces, and erected a monument over her grave. This was completed under my superintendence on the 30th of August, and in my diary of that day I write: "On coming home from the cemetery, and feeling this was the last duty on earth to my dear companion, it seemed to me as if I was thrown again on the world alone, with a wide field of duty and effort before me; but the thought of my advanced age showed me, that the limits of this field were narrow."

After your brothers John and Samuel C. were taken from your mother and me, and they had joined in heaven, as we felt sure they had, our dear little Robert, we often talked of the joy of meeting and recognizing all of them in heaven. In 1863, the year after the death of these, our eldest sons, my professional brother and friend, the Hon. Marshall S. Bidwell, and I, interchanged some letters, and among other topics, expressed our views respecting the recognition of loved ones in heaven. He had thought much on the subject, for Mrs. Bidwell, one of the loveliest ladies a gracious God ever gave to a husband for a companion, had been taken from him by death. He gave me his views in full in a letter,\* which your mother

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\* NEW YORK, April 14th, 1863.

MY DEAR JUDGE FOOT:

I have no doubt that friends will recognize each other in a future state. This is to be inferred from the instincts and affections of our nature, and it is implied in various passages in the Sacred Scriptures—such as the parable (as it is called) of the rich man and Lazarus, the appearance of Moses and Elijah in a form capable of identification on the Mount of Transfiguration, and the assurance of Paul, intended for the comfort of bereaved mourners among the Thessalonians, that their departed friends, who slept in Jesus, God would bring with Him—an assurance which would give no comfort, but would be a mockery, if they would not recognize each other when they met.

Such a recognition involves an idea, which has occupied much of my

and I read several times, and often spoke of. This letter has been a comfort to me, as it contains my views on that most

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thoughts since my great bereavement. Our departed friends remember us; they have not forgotten, will not forget us—indeed, their recollection of us is more vivid and more perfect than ours can be of them here, encompassed with infirmity. In that state there will be no infirmity, no imperfection, no decay, no weariness, no weakness. These are the conditions and attributes of mortality. They tend to death, and inevitably produce it, if we do not, by food, rest, and sleep, counteract their constant tendency. But in that state, death is unknown, and the immortal being need not to have his strength recruited or repaired. There will be no forgetfulness there.

It is probable that death does not suspend, for an instant, thought or consciousness, but that the soul passes into the other world without the cessation of thought. To this conclusion reason leads us; and it may be inferred from analogy. In our present state knowledge seems often to fade away. The scenes of former years are forgotten; but we know from daily experience, that although dormant, they exist in our minds. How often do scenes long passed away revive to view! Striking examples of this latent power of memory are recorded in the case of persons recovered from drowning. They have had *all* the occurrences of their lives presented to their minds as suddenly as a flash of lightning, and spread out before them like a landscape. This is a faint illustration of the experience of the soul after death. We are not left, however, to reason the probability on the subject. Revelation teaches us most explicitly and most emphatically, that every one must give account to God of all the deeds done in his body, and that we are to answer for every idle word, and for every sinful thought and corrupt inclination of the heart—an account which we could not render, if we did not remember all the events, thoughts, and feelings of our lives.

I come to the conclusion, therefore, without a doubt, that our departed friends remember us, and will not cease to do so. Equally am I convinced, that in a state of perfect felicity and blessedness, their affection for us remains unabated and is probably more intense than when they were with us in the flesh. Conjugal, paternal, filial, fraternal affections are holy—are enjoined expressly by divine authority. The soul will not lose at death any holy affections. *Charity* (that is, love) *never faileth*. I think we have the most solid grounds for the conviction, that the dear ones who are in heaven remember us with the tenderest affection. This is not a mere wish, a mere surmise, a mere speculation, a mere sentiment, but it is a conviction of my understanding, of which I

interesting subject, and which I had entertained for many years, and were first impressively presented to me by reading the Rev. Jonathan Edwards' Sermon, delivered in December, 1740, on the text from Romans, 2 : 10, "But glory, honor, and peace, to every man that worketh good."

The certainty of meeting and recognizing in heaven, those near and dear to me on earth, and who have been called home before me, is the great sustaining power, which has held me up under the many bereavements, and this last deep sorrow,

am as sure as I am of any truth that rests upon reason and revelation. It is full of consolation and joy to my heart. It seems something like calling them back to us. It is *probable* also, that they have a knowledge of all our actions and feelings, &c. They are "as the angels in heaven." There is joy in heaven, there is joy among the angels, over one sinner that repenteth. Will not a mother in heaven have knowledge of the repentance of her son, while there is joy in heaven over his repentance?

"Are not *all* angels ministering spirits, sent forth to minister for them who shall be heirs of salvation?" May not the spirits of the just made perfect, who are as the angels of God, be permitted to share in these labors of love for those dear to them?

On these points we have no certain information, but we have some grounds to think it probable, that our sainted friends may be employed in some way for our welfare and happiness.

I have indulged my feelings in writing to you thus freely on topics, which I suppose will be interesting to you as well as myself. We shall soon know these matters experimentally. Now we see through a glass darkly. Still, although our views are dark, we *can* discover heavenly things through the gospel. Without it, all beyond the grave is impenetrable darkness; for there is none other name under heaven given among men whereby we must be saved, but that of Jesus Christ. If Christianity is not of God, we are all without hope.

"Let reason vainly boast her power  
To teach her children how to die,  
The sinner in a dying hour  
Needs more than reason can supply,  
A view of Christ, the sinner's friend,  
Alone can cheer him in the end."

\* \* \* \* \*

Your friend,

MARSHALL S. BIDWELL.

To the Hon. SAMUEL A. FOOT.

which an infinitely wise, good, and merciful God has brought upon me, not, I trust, to punish me, but in love to prepare me for His presence, which I hope to enjoy forever after my body is laid in the grave.

Being deprived of the judicious management and watchful care of your mother over the establishment and household, I deemed it my duty to be absent from home as seldom and for as short a time as possible. I did not allow professional business to take me again to the city this year. I went to Albany early in October for a single day, and argued a cause in the Court of Appeals—to Rochester for a couple of days in September, to argue a cause in the Supreme Court, and twice to Canandaigua in September and October, for a single day each time, to attend to some business before the Surrogate. These were all my absences on professional business, and there were but two others, and they were for a few days the last of April and first of May in the city, to attend to some individual matters, and for a few days in November to visit my children in New York and Harrisburg.

Correspondence, writing my biography, and domestic matters occupied most of my time after your mother's death. I read scarcely anything beside the daily papers, and social duties did not extend much beyond attention to friends who called, except for a few days in June.

The General Synod of our church held a session in this village early in June, which continued nine days. Rev. Dr. and Mrs. Abeel and the Rev. C. Van Santwood were my guests during the whole session, Judge J. Sanders during a part of it, and the Rev. Dr. Isaac Ferris dined daily with me. Besides these regular guests, from three to five members of the Synod, on my invitation, dined daily with me. These were pleasant days.

I was a member of the Synod, being a delegate from the Classis of Geneva. A very interesting subject was before the Synod. It was the discarding of the word "Dutch" from the name of our church. I was strongly in favor of it, and spoke twice upon it. The measure was carried by a strong vote and

referred to Classes for their action. It was earnestly discussed during the summer in the *Christian Intelligencer*, our denominational paper. At the request of the Rev. Dr. Porter, the editor of the *Intelligencer*, I wrote an article on the subject in the form of a letter addressed to him, which was published in the number of the 15th of August. It is No. 70 of "Papers Written by me."

Some family incidents of interest occurred this year.

Alfred, having regained his health, was early in the spring of this year anxious to engage in some business to aid in the support of himself and family, and with that view to come to the city of New York and reside in it, or its vicinity. I purchased a small comfortable house for him at New Rochelle. He and his family moved into it in May, and he commenced business as an insurance broker in the city. But the weakness of his left limb prevented him from walking as much as this business required, and he had to give it up.

Robert E. remained in the city this year, and was admitted to the bar in April. Thomas continued at college in Geneva.

George for the last year or two had made up his mind to become a western farmer. As he had now attained sufficient age to act for himself, he left home, with my approval, on the 11th of March for Wisconsin, and entered the family and employment of an acquaintance of his brothers, Robert E. and Thomas, near Beloit, to earn his own living and learn the business of farming at the West.

Lawrence having been in Wall Street long enough to become thoroughly acquainted with the operations, excitements, and fluctuations of fortunes of brokers and bankers, was unwilling to pass his life amid such scenes, and wished to lead a more rational and quiet life, and engage in some safer and less exciting pursuit. He wrote me early in April, expressing this wish, and his desire to go West and engage in some business suited to his feelings and views. He asked for one thousand dollars and my approval of his change of pursuit. I cordially approved of the change and furnished the

money. He came home from the city, and after passing a few days at Mullrose, left for the West on the 23d day of April. He located at Flora, Clay County, Illinois, and commenced the business of a nurseryman. I was in the city when he left home.

After the season of farming was over, George not being able to find a place for the winter in Wisconsin, which suited him, joined his brother at Flora and found employment near him.

Euphemia and Mr. Whittredge were married on the 16th of October, and left Geneva in the afternoon on their wedding tour.

William entered Hobart College in September. My youngest daughters continued at school in Geneva.

In November, to my great joy, and with profound gratitude to my Heavenly Father, I received a letter from Lawrence, dated the 12th of that month, announcing his conversion, and giving an account of the great change which the Spirit of God had wrought in his heart. The letter was entirely satisfactory, and showed me, that another of my dear children had been brought into the fold of the great Shepherd and sent forward on the narrow way that leads to life everlasting.

A few extracts from my diary, in addition to those already given, will show my spiritual state under the great bereavement I had sustained, and the great change in my course of life, which it had produced :

Monday, February 4th. After giving an account of the funeral on the Sabbath previous, and of the manner of spending the day.—“O God, thou hast seen fit to leave me to discharge one high duty of a parent, viz., educate the children thou hast given me. Give me the aid of thy Spirit to rightly discharge this duty, and spare my life, if consistent with thy holy will, till it be accomplished, and even longer if it so seemeth good to thee. I ask all for Christ's sake.”

Tuesday, March 12th. The day after George left home.—

"Gracious God, I commit this son to thy holy keeping—watch over him, and do more and better for him than I can think or ask."

Monday, August 19th. After stating how the Sabbath the day before was spent—"We had communion. I enjoyed it greatly. My God and Saviour seemed nearer to me, and the latter more precious than ever. Oh, that I may live hereafter in close communion with my God, and that my Saviour may be always as precious to me as He was at His table yesterday!"

### 1868.

The beginning of this year found me at home with my four youngest children, yet in the course of education, and Thomas in his senior year at college. A year had nearly passed, since my companion was taken from me, and the usages of society demanded some change in the manner in which I had passed the previous year, and my duty required me to settle on a plan of life suited to my position. I determined to make no change in my hours of rising and retiring to rest—nor in the manner of occupying my mornings—nor in the hours of morning and evening devotions—nor in the manner of spending my Sabbaths—to resume my social duties, though not to entertain to the same extent as formerly—to withdraw from my profession as far as I justly could—to be absent from home as little as possible—to spend a considerable portion of my time in conversation with my children, and joining in their amusements—and to correspond freely and constantly with my absent children, and thus supply, as far as I could in this respect, the place of their mother, who seemed never to tire in writing to our children.

In accordance with this plan of life, I only went to the city once this year on professional business, and then only for a few days, at the earnest solicitation of a client of former years, who had some important business, which he wished done under my advice and supervision. I also went to Canandaigua for a day on four different occasions, to complete some business before the Surrogate, committed to my charge some



years before. I gave some attention occasionally during the year at home to professional duties, to assist my sons in the city. My only reading of consequence, besides the daily papers, was Motley's History of the United Netherlands. My time was mainly occupied in writing this biography—correspondence with my absent children—conversation and joining in amusements with those at home—domestic matters, and social duties.

I made several short visits to my children during the year—two to New York, one in January and the other in October, and while there in October, went to Washington for Alfred—one in April, to Harrisburg, Pa., to see Mary, and Jane and Eliza C., who were there making Mary a visit—one in April to Flora, Ill., to visit Lawrence and George, and buy George a farm—and one to New Rochelle, in August, to see Alfred, who was very ill.

I discharged no public duty of any consequence this year. At the request of my friend, Dr. Wilson, I attended the commencement dinner of the college, and made a short address. It got into the village paper.\* I also presided as chairman of a political meeting held in the village in September.

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\* As our report of Judge Foot's remarks at the commencement dinner on the 16th instant was very imperfect, and likely to place the Judge in a position which is not altogether just to him (although nothing was farther from our thoughts or intention than to do him any injustice), we have taken pains to get a better and more correct report, which we insert below. He responded to the following toast:

"OUR COUNTRY—Its fathers of one generation form the character of those who will control it in the next."

Dr. Wilson, acting President, in calling out Judge Foot to respond, said:

In calling upon Judge Foot to respond to this sentiment, it is proper to introduce him as eminent in the law and in letters; one who has always been a friend and patron of thorough education—who was early connected with and interested in our college, and has had large experience in training young men for his own profession. He has also been a friend to his country, always standing firmly by the Union cause. In the hour of its need he sent five of his sons into the war—two of whom

Thomas graduated in July and went to the city early in November, and joined Robert Ebenezer in the practice of

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now sleep in honored graves as its result, *one* drags out the life of an invalid, with many honorable scars about him. One of his sons graduated among the foremost of the class to-day, and still another we hope to see doing as well at no long period hence.

I have the honor of introducing the Hon. Samuel A. Foot.

Judge Foot, on rising, observed that before responding in a few brief remarks to the toast which had been announced, he felt that it was due to the memory of his sons who had yielded up their lives in the late war, and to the character of those who remained, to state that he never spoke a word to either of them to induce them to enter the public service. He neither sent them to the army, nor tried to detain them from it. Their action in engaging in the war was wholly voluntary, and the result of their own views of duty. Of the parental training which they had received, and which had given them right views of their duty to their country, it did not become him to speak.

The toast, "OUR COUNTRY—its fathers of one generation form the character of those who will control its destinies in the next," announces a just sentiment and an impressive thought. The *fathers* of this generation are those whose age, talents, education, and position give them a controlling influence, and present them as examples to the youth of the country. Among them are especially classed the officers of our colleges and seminaries of learning. They are eminently *fathers* in our country, who form the character of those who will control its destinies in the next generation. Their position is one of high honor and great responsibility. The duties of the fathers of this generation in forming the character of our youth is a fruitful theme, but I shall only suggest a thought or two, derived from long observation in training my own sons, and the many young men who have received their professional educations in my office.

Long talks to intelligent youth and young men are more than useless. A few words, or a single word, fitly and seasonably spoken, is the true way to reach the young heart and mind. But on the old adage—that "Actions speak louder than words," *example* is the effective means of forming the character of the young. The true point for the fathers to begin in the high duty, is to see that their own minds and hearts are all right, so that their actions and words, coming from a pure fountain, shall be right also.

I cannot in this connection forbear to speak of the high qualities of my friend, Dr. Wilson, as pre-eminently qualified to form the character

law. I let them have my law library, and Thomas took it to the city when he went.

The parting with this library required an effort. I had spent days and nights in it for years. Although quite large for a private library, I knew every book in it and the place where it stood. It had made me professionally all I was. It had enabled me to support respectably myself and family, to educate my children, and to lay aside a competency for old age. But why should I keep it, when my professional life was ended, and when my sons were just beginning theirs? The true answer to this question could only be given—by parting with this old and true friend.

Lawrence and George united this fall and formed a co-partnership in the business of nurserymen.

A couple of extracts from my diary will end the history of this year :

Wednesday, November 4th. The day Thomas left home for the city.—“Gracious God I commit him to thee—watch over, protect and bless him; I ask it for Christ’s sake.”

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of our youth. His ripe scholarship and high moral and religious qualities are known to all. But his glowing patriotism, and true American heart, may not be so well known, as he has not been called into any sphere of action to exhibit them. To me, however, they are well known. During the fearful years of our late war, he and I often met, and passed many hours together. We never separated without a feeling on my part of increased devotion to my country. It gave me great pleasure to assist him in the requisite investigations which resulted in his pamphlet on the constitutional right to forfeit in fee the real estate of rebels, and which corrected a great error which had previously prevailed at Washington and elsewhere. This high appreciation of the character of the acting President of the college mainly induced me to send my sons to it for education.

Judge Foot alluded to his connection with the college in the early years of its history, mentioning addresses delivered by him and others before the Literary Societies many years ago, and of collegiate honors bestowed upon him and them. He concluded with an earnest wish for the future success of the college.—*Geneva Courier*, Wednesday, July 29th, 1868.

Thursday, December 31. "Thus my year has passed—not as well as I would wish, yet I hope with at least an approximation to the standard of Christian duty. I have endeavored to do my duty, especially to my children. Gracious God, spare me for another year, if consistent with thy holy will, and give me the aid of thy Spirit to spend it rightly and usefully."

## 1869.

This year brought death and sorrow with it.

Last summer Alfred had a return of hemorrhages, and, as I mentioned in my account of last year, was very ill in August. The hemorrhages ceased after a few weeks, but left him feeble and with a cough. He, however, so far recovered his strength, as to be able to obey an order from the War Department of the 25th of November, to repair to Richmond, Va., for court-martial duty. He passed most of the winter and early spring at Richmond. His wife and little son were with him the latter part of the time. The climate did not agree with him, and he became very ill. He wrote me on the 10th of April as follows :

"The Doctors and all my friends think I am unwise to remain here, and advise me to go home. I judge from this, that they consider me too far gone for any climate to do me good. I think so too, and as I am past recovery, I wish to pass away among my family and friends. I am very weak, and can only sleep two or three hours at night. If it is convenient for you, I propose to go to Geneva."

I had before proposed his coming home, and now urged him to come without delay and bring his wife and child with him. They arrived on the 16th of April.

The change, the comforts of home, the sympathy and attention of those who loved him, cheered him, and for some weeks he seemed to improve in health, but after that, he gradually failed, till Wednesday the 1st of September, when he fell asleep in Jesus. He was prepared for death, and died

as a Christian soldier should. He had his mind fully, till his last breath was drawn. His death was calm and happy, and the death scene most touching. He died at half-past nine o'clock in the evening. He knew, and we all knew at twilight, that he had only a few hours more of life. At his request, his brother William and sisters sang several appropriate hymns, which he indicated, and between them, at his request, I offered prayers. His last words, and which were distinctly uttered, were these: "Be kind to my boy," and as if addressing his mother, said, "Mother, I am coming—Jesus calls me."

His funeral took place on Saturday following. At his request, his body was not taken to the church. After prayers and a few appropriate remarks by our pastor at the house, his remains were interred by the side of those of his mother, who will now rest till the resurrection, with two sons on one side of her, and one son on the other. On the monument of each son, is the simple record of his age, and death in the military service of the United States.

There was pending in the Court of Appeals this year a single action, which I had theretofore conducted for the American Bible Society. It came on for argument in March, and although I had previously withdrawn from that court, yet I regarded it my duty to go to Albany and argue it, which I did, saying to the court, that I had come to ask their attention to one more argument from me, and which would be my last.

This argument ended all my professional engagements for which I was responsible to clients. I assisted my sons this year in some litigations which they were conducting; and for that purpose went once to New York—twice to Rochester, and two or three times to Canandaigua. But I regarded my professional life as already closed.

My time this year at Geneva was passed very much as it was last year—nor was there any material change in the positions of my children. But there occurred one event of deep interest. On Tuesday the 9th of November, I received a let-



*Wm. H. L.*

[illegible][illegible][illegible][illegible][illegible]



Engraved by J. C. Smith

John Appleton  
Capt. Foot





ter from Thomas, informing me, that on the previous Sabbath, he united with the Collegiate Reformed church in the city and partook of the sacrament of the Lord's supper. I had not expected this event to occur so soon, yet had for some time observed that a work of grace was silently producing a change in this dear son. I could only pour out my heart in gratitude to my Heavenly Father. Under the record in my diary of this event is the following entry: "Gracious God, I record my deep and heartfelt thanks for the new birth of this dear son. O blessed Saviour, take him into thy holy keeping, and help him to persevere to the end. May his life be holy and lovely."

Now (1871) only one of my children, George, remains out of Christ's visible church, and I have reason to believe that he will ere long be among the redeemed.

My youngest child is now in her nineteenth year. The work of educating my younger children is done, at least, so far as not to require my active supervision. They have attained to such ages, as not to require my presence with them. They are able to judge and act for themselves. It seems as if the duty, which the removal of their mother cast upon me to discharge alone, has been discharged.

What remains of life to me, I hope, with the blessing of God, to use for the good of my children and my fellow-men, and in preparing myself for His presence.

I will end this autobiography with my entrance on my eightieth year, and with the entry I made in my diary on my last birthday, when I entered upon that year:

Friday, December 17, 1869. "This is my birthday. I am seventy-nine years of age and enter to day on my eightieth year, the last of my fourth score. Gracious God, I desire to record my deep sense of thy mercy, love and care over and towards me. My time beyond threescore years and ten has not been labor and sorrow. It is true, thou hast taken from me in that time, my dear companion and three of my sons; but these sorrows have been mingled with great mercies. Thou hast spared me from labor. All my wants have been abundantly supplied, and I have enjoyed

good health for one of my years—Continue thy care over me, I entreat thee, and permit me to see my younger children settled in life. Do more and better for me than I can think or ask, or am worthy to receive. I ask all in the name and for the sake of my dear Redeemer.”

GENEVA, March 1, 1871.

## APPENDIX.

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THE first clause of Section I. of the Amendment of the Constitution, designated as Article XIV., and which was adopted on the 20th of July, 1868, is substantially the same as my Article I. My article is,—

“ARTICLE I.—That every citizen of the United States, and every citizen of every state of the United States, who shall have resided in any state thereof for one year, shall be a citizen of the state in which he has so resided.”

The first clause of Section I. of the 14th Amendment is—

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.”

Each declares that citizens of the United States shall be citizens of the state in which they reside; and the real object of each was, to prevent every state from refusing to recognize as citizens thereof, the freedmen and colored persons who should reside therein.

The reasons assigned for adopting the clause of the Constitution above mentioned were the same as those given by me in No. 69 of “Papers Written by me,” for adopting my Article I.

One of the main objects, sought by my Article II., was equality of electoral rights to all the citizens of every state—or, in other words, equal electoral rights to colored and white citizens of every state. This was accomplished in my Article II., by giving to “*Every male citizen* of every state of the United States” (having the requisite qualifications), a right to vote for all elective offices or legislators.

This right was afterwards secured to colored citizens by the Amendment of the Constitution, designated as Article XV., and adopted on the 30th of March, 1870. The reasons given by me

in No. 69 of "Papers Written by me" for this Amendment of the Constitution, were the same as those on which this Amendment was finally adopted.

I claim no special credit in this matter, but I am thankful for having been able to contribute my small amount of thought and effort towards the adoption of these two benign Amendments of our Constitution. I do not expect to see the day, when an Amendment of the Constitution shall be adopted, establishing an *American standard of Suffrage*, and that standard an *Educational Qualification*—and also establishing the number of qualified electors as the basis of representation in Congress and the electoral colleges; as proposed by me in my Articles II. and III., and explained and enforced in No. 69 of "Papers Written by me." But I feel sure, that the time will come, and probably during the present decade, when the nation will call for and adopt such a standard of suffrage and such a basis of representation; and the last thing I intend to print and leave behind me, is this Amendment of the Constitution and my reasons for adopting it.

This I intend to do in the form of a letter to the Hon. William H. LAMPORT, Representative in Congress of the 25th District of this state, composed of the counties of Ontario, Livingston, and Yates, and my immediate representative.

Geneva, October, 1871.

S. A. F.

Near the close of December, 1871, this intention was carried into execution by writing and publishing the following letter:

GENEVA, Ontario County, N. Y., December, 1871.

To the Hon. WILLIAM H. LAMPORT, Representative in Congress of the 25th District of the state of New York, composed of the counties of Ontario, Yates, and Livingston.

SIR:—Being my immediate representative in Congress, I take the liberty of addressing to you a letter, in which I propose an Amendment of the Constitution of the United States, and give my reasons for adopting it.

The following is the proposed Amendment:

"Resolved, By the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following article be proposed to the Legislatures of the several states, as an amendment to the

Constitution of the United States, which article, when ratified by three-fourths of the said Legislatures, to be valid, to all intents and purposes, as a part of said Constitution, namely :

#### ARTICLE XVI.

“SECTION I.—That every male citizen of every state of the United States, who is twenty-one years of age, of sound mind, and not a pauper, nor convicted of an infamous crime, and who can read the Constitution of the United States in the English language, and write his name, and shall have resided in the state of which he is a citizen for one year immediately preceding any election in such state, shall be an elector of all elective officers, or legislators chosen at such election ; and no person shall be such elector unless he shall have the above qualifications. But this article shall not impair or affect the right of any person who, at the time of adopting the same, shall be an elector in any state by the laws thereof.

“SECTION II.—After the census to be taken in the year eighteen hundred and eighty, and each succeeding census, representatives shall be apportioned among the several states which may be included in the United States of America, according to the number in each state of electors qualified as declared in the preceding Section I, and direct taxes shall be apportioned among the several states according to the value of the real and personal taxable property situate in each state not belonging to the state or to the United States.”

You will see, that Section I. of the proposed amendment, if adopted, will accomplish two important objects.

*First.* It will establish a *uniform standard of suffrage* throughout the United States, to which every state in the Union must conform ; and instead of the diversity of electional qualifications, which now exist in the several states, there will be one and the same qualification in all.

*Second.* It will establish an *educational qualification of suffrage* throughout the United States, which every state in the Union must accept and adopt. After that is done, every vote, given at an election in this country, will be an intelligent one. Each voter will be able to read his ballot, and understand for whom and for what he votes.

Section II. of the proposed amendment, if adopted, will change the basis of representation in Congress and in the presidential electoral colleges, from the number of persons in each state, to the number of male citizens in each state, who are qualified electors thereof according to Section I. As such electors must be able to write their names and read the English language, this Section II. will thus make it the interest of each state to establish and maintain a good system of common schools—of parents, to have their sons taught to write their names and read the English language—and of all young men to write their names and read the language.

This Section II., if adopted, will also change the basis of direct taxation, from the number of persons in each state, to the amount of taxable property in each state.

#### REASONS FOR ADOPTING THIS AMENDMENT OF THE CONSTITUTION.

*First.* Reasons for establishing a *uniform standard of suffrage* throughout the United States, or, in other words, *universality of the qualifications of electors.*

Each state of our Union has the right, and has exercised it from the establishment of its government, of determining the qualifications of its electors or voters. The consequence is great diversity of these qualifications amongst the states. In one, a property qualification is required—in another, an educational qualification—in another, a naturalized citizen is not allowed to vote until after a long probation—in another, to encourage emigration, an alien is allowed to vote before being naturalized—scarcely any two states having the same electoral qualifications.

While this diversity exists, if a voter in one state changes his residence to another, he may, by this change, which all citizens have a right to make, lose his right to vote and become disfranchised. The great diversity in our climate produces many changes of residence for health. Numerous other legitimate and commendable causes produce like changes. A neighborly and hospitable spirit ought to prevail in every state towards the citizens of other states. A removal from one state to another ought rather to be encouraged than discouraged. A spirit of state exclusiveness is unfriendly to harmony of thought and feeling, and tends to make

us a divided, instead of a united people. Uniformity of electoral rights would prevent a change of residence from state to state from being felt to be a change of condition, and go far towards making us a homogeneous people, and our Union a brotherhood.

There are, however, other and greater advantages of a *uniform standard of suffrage*.

1. It will increase the value of American citizenship. The nation will establish the qualifications, and confer the right of suffrage. This most valuable right of an American citizen will be protected by national authority, and a knowledge of this fact will increase its value in the estimation of every one entitled to it.

2. It will establish a uniform standard of suffrage throughout the country, and put a stop to all strife among the states to draw emigrants by lowering and cheapening suffrage.

3. It will nationalize suffrage. Instead of there being one standard of suffrage in one state, and another standard in another state, there will be one standard for every state, and that one will be the AMERICAN STANDARD OF SUFFRAGE. It will produce harmony among the states on a most important feature of our system of government, and tend to make us one people and nation.

4. This standard will be enduring, and not subject to change for slight causes, as is often the case with state standards. It will thus give steadiness and stability to a very important branch of governmental action.

Other advantages might be mentioned, but the above ought to be sufficient to ensure the adoption of this feature of the amendment.

*Second. Reasons for an educational qualification of suffrage.*

The value of this feature of the proposed amendment, and the inestimable blessings which its adoption will confer on the country, are almost, if not quite, self-evident. As sovereign power in our country is vested in the people, we have a political axiom, which commands universal assent, viz: "*The intelligence of the people is the foundation on which our institutions rest.*" Hence, every lover of his country strives to disseminate knowledge among the people, and educate the rising generation. With only thirty-



one millions of people, we have shed oceans of blood, and spent billions of treasure, which would all have been saved, if the mass of our Southern fellow-citizens had been sufficiently educated to understand their rights and true interests. How then will it be, and where will our safety lie, when we are a nation of one or two hundred millions? Safety, then, will be nowhere found, and national death certain, unless that immense multitude are educated, and sufficiently intelligent to discharge the high duty of self-government. We cannot now, with our present population and present immigration of uneducated foreigners, keep education up to its former proportionate standard. We are falling behind constantly. The number of those in the country, who cannot read and write, in proportion to those who can, is continually increasing. There is a strong probability—indeed, almost, if not quite, a certainty—that emigration, hereafter, will be larger, in proportion to our native population, than it has been heretofore. This will cause a more rapid increase than heretofore, of the proportion of the uneducated to the educated, and, at so early a period as the close of this century, there will be such a host of ignorant voters in the country, as seriously to endanger our institutions, and by the middle of the next century to render self-government insecure, if not impracticable, unless some efficient measure is adopted to stimulate and extend education among the mass of the people. No measure has ever been suggested, nor do I believe one can be conceived more effective in accomplishing this object, than making the right to vote dependent on the education of the voter; or, in other words, affixing to suffrage an educational qualification. To give to such a measure its full efficacy, and assure the nation of the full and abiding blessings which it will confer, it should be incorporated in and form a part of the great charter of our freedom, and should not be left to the varying popular breezes of separate state action. It will secure to the nation the existence, forever, of the foundation on which our institutions stand, viz: *the intelligence of the people*. It should, therefore, be as permanent and pervading as any provision in the Constitution.

All will agree, that the educational qualification of suffrage should not be less than ability to read and write, and no better test of that ability can probably be suggested, than the one con-

tained in the proposed amendment we are considering. The ability to read should also extend to reading the language of the country. The reasons for this are obvious and numerous. The large number of naturalized citizens now in the country, and the still larger number there will be hereafter, who have and will bring their native language with them, and adhere to it, will make our country a national Babel. Unseemly and inconvenient in intercourse and business as this may be, it vanishes from view in comparison with the danger to our institutions which arises from maintaining in the country diversity of language. While we have now towns and counties, where foreign languages, manners, customs, irreligious and immoral opinions and practices prevail, we may hereafter have states; and thus, our great nation, instead of being homogeneous, and forming one harmonious whole, will be divided into different nationalities, unlike in language, education, manners, usages, and moral and religious opinions. No better remedy for these and other evils springing from the same cause, and no measure better calculated to naturalize and *Americanize* the multitude of foreigners who will adopt our country as their own, can be devised, than to require them to learn and read our language, as a condition precedent to their exercise of the right of suffrage. This will bring with it schools, education, thoughts, manners, sentiments, and opinions, all of which will be American, and make us one people.

The late occurrences in the city of New York show the danger to our institutions and domestic peace of separate organizations by our naturalized citizens and their countrymen, who have emigrated and intend to become citizens, for the purpose of maintaining and perpetuating in this country their foreign, political, and religious prejudices and factions. The shocking scenes of riot and death, which occurred in that city on the 12th of July last (1871), and came near occurring again on the 10th of this month (December, 1871), were caused entirely by this organized foreign element. Like occurrences, owing to the same cause, may, with certainty, be expected in other portions of the country, when our population becomes dense, and emigration adds to it yearly hundreds of thousands of foreigners.

The surest and kindest way to avoid this danger, is to *Americanize* these foreigners by educating them, and teaching them to

read our language. Simple ability to read our language will go far toward changing a prejudiced alien into a patriotic American citizen.

We claim England as our mother country. Her subjects and our citizens often extol themselves as being of one blood—speaking the same language—having a literature in common—similar institutions and laws—the same Christianity and civilization—as being the two great Christian nations of the world. How long will it be, before these things will be said of us, as things that once were, but have passed away, if we become a mongrel people, of divers languages and nations? If we become such a people, how long will it be—I prophecy not more than a century, before our great Republican system will prove a failure; and we shall be broken up into at least three—north, south, and west—confederacies.

But what a halo of glory will surround our Republican institutions, if they bring into being a mighty, Christian nation of educated, orderly citizens, speaking one language, and united in fraternal bonds?

*Third.* Reasons for making the *number of qualified electors the basis of representation.*

The object of this feature of the amendment is obvious. Every state is anxious, and rightly so, to obtain as many members of Congress and presidential electors as it can. Its influence in the Union depends on their number. Hence no pains will be spared to increase it. If their number depends on the number of voters in the state who can read and write, it is obvious, that it will be the interest of the state to establish and maintain a good and adequate system of common schools, in which all the youth, especially the male youth of the state, may have an opportunity to learn to read and write; and as the colored youth of a state, when they attain 21 years of age, have a right to vote, if they have the requisite educational qualification, it will be the interest of the state to educate that class of their youth. Should this provision of the amendment be adopted, it will put an end to all opposition to educating the colored race.

Parents finding that their sons cannot vote if not educated, will be anxious to send their children to school, and will need no urging to discharge that duty. There will not be then, as now,

hundreds of thousands of children allowed to grow up in ignorance, idleness, and crime.

All young men too, of whatever color they may be, who have had no opportunity for education in their youth, will be stimulated to early and earnest efforts to learn to read and write. In these cases, few will be satisfied with acquiring the mere elements of an education. Most of them, having tasted the fruit of knowledge, will press forward till they can gather it in abundance.

While this second section of the amendment will deprive no one of his vote who may be entitled to it when it is adopted, the time for it to go into operation will be placed so far ahead, that every male 21 years of age will be able to learn to read and write before a vote will be given under it.

The other feature of this second section, viz., that direct taxes "shall be apportioned among the several states according to the value of the real and personal taxable property situate in each state," is clearly so just and proper, as to require no statement of reasons for its adoption.

The existence of slavery rendered this just provision impracticable when the Constitution was adopted; but slavery having been abolished, it should now have a place in our national charter.

I will close this letter by asking all who read it, to carry their thoughts forward and take a view of this country some years hence, when this proposed amendment having been adopted, it shall form a part of our Constitution, and the nation shall be moving and acting under it. The present mass of ignorant and uneducated voters will then have nearly, or quite, passed away. Every voter will be, to some extent, an educated man. He will be able to read his own ballot, and will have sufficient intelligence to form his own judgment of the questions and candidates before the people. The only language spoken will be the English, the language of the country. We shall hear no foreign languages around the polls. Every man, without regard to race or color, having the requisite qualifications, will deposit his ballot. Schools for English education will be spread over the country. There will not be hundreds of thousands of children, as there are now, out of school. The nation will have but one

language, and we shall be one people. Republicanism will command the homage of the world.

All the states in rebellion having been re-organized and now occupying their rightful positions in the Union, the present would seem to be a suitable time to place our country on a basis, which will enable it to stand entire and united for ages.

Respectfully, your obedient servant,

SAM'L A. FOOT.

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